

HAMPDEN TOWN COUNCIL
HAMPDEN MUNICIPAL BUILDING
AGENDA

MONDAY

NOVEMBER 16, 2009

7:00 P.M.

• **5:45 pm – FINANCE COMMITTEE MEETING**

A. CONSENT AGENDA

1. SIGNATURES

a. Treasurer's Warrants

2. SECRETARY'S REPORTS

3. COMMUNICATIONS

- a. Time Warner Notice – 2010 Price Increases
- b. Time Warner - Channel Negotiation Notice
- c. Judy Markowski – Friends of Dorothea Dix Park – New Applicant
- d. James Feverston – Pool Board – Application for Reappointment

4. REPORTS

- a. Landfill Complaint Report – September 2009
- b. Special Waste Activity Report – September 2009
- c. Edythe Dyer Library Trustees Minutes – 10/14/09
- d. Application for Disposal of Special Wastes – Pine Tree
- e. New License – Pine Tree – Dredge Spoils
- f. Ambulance Receipts – 10-26-09
- g. Finance Committee Minutes – 11-09-09

B. PUBLIC COMMENTS

C. POLICY AGENDA

1. PUBLIC HEARINGS

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

- a. Services Committee Recommendations:
 - 1. John Weinmann, Pool Board of Trustees
 - 2. Patrick Foley, Pool Board of Trustees
 - 3. Greg Hawkins, Pool Board of Trustees

NOTE: The Council will take a 5-minute recess at 8:00 pm.

- 4. Wendy Flannery, Recreation Committee
- 5. Larry Bruen, Tree Board

3. UNFINISHED BUSINESS

- a. MRC Board of Directors Ballot
- b. Bradley Wiseman Application for Addition to Historic Landmark Designation
- c. Next Council Meeting Date Discussion
- d. Institutional Building Definition – Zoning Ordinance Amendment – Referral to Planning Board (Planning & Development Committee Recommendation)
- e. Conditional Uses in Commercial Services District – Zoning Ordinance Amendment – Referral to Planning Board (Planning & Development Committee Recommendation)
- f. Issuance of Building Permits on Subdivision Lots – Zoning Ordinance Amendment – Referral to Planning Board (Planning & Development Committee Recommendation)
- g. Outdoor Woodfired Boiler Ordinance Amendments – Referral for Public Hearing (Planning & Development Committee Recommendation)

4. NEW BUSINESS

- D. COMMITTEE REPORTS**
- E. MANAGER'S REPORT**
- F. COUNCILORS' COMMENTS**
- G. ADJOURNMENT**



4-3-a

November 4, 2009

Dear City/Town Official:

Please find enclosed a copy of our 2010 price adjustment notice that customers in your community will receive with their next statement from Time Warner Cable. In the face of a struggling regional economy, increased costs of doing business and last winter's severe ice storms, in 2009 Time Warner Cable continued to invest in its infrastructure to increase network reliability and deliver additional services to customers. This year we were able to deliver advanced voice, video and data services to many new areas as well as increase the availability of our services to thousands of new homes.

Connecting our customers to entertainment, information and each other is the focus of everything we do and we demonstrated this commitment in many ways this year. Time Warner Cable achieved a milestone with the launch of 100+ High Definition channels to a majority of our service area with plans to expand to other areas in 2010. Late last year we increased our standard Road Runner speeds from 7 Mbps to 8 Mbps with plans to increase to 10 Mbps next year. Our local programming efforts increased as well - covering dozens of local high school sports games as well as highlighting important health and economic issues affecting customers across Maine and New Hampshire.

Our local focus also includes providing quality customer care - delivered by the over 1,000 Maine and New Hampshire Time Warner Cable employees. With 24/7 local Call Center support and 17 office locations across our service area, we strive to create a simple and easy customer service experience. Additional efforts on this front include improved appointment windows for installation and service calls as well as increased weekend appointment availability.

Our investment and commitment to the local communities that we serve will continue in 2010 and we look forward to working with you and your community. Please feel free to contact us if you have any questions.

Sincerely,

Time Warner Cable's Government Relations Team

Melinda Poore, Vice President, Government Relations & Communications

Mike Edgecomb, Government Relations Manager

Shelley Winchenbach, Government Relations Manager

One-Time Service Charges

| | 2010 Price |
|-----------------------------------|-----------------|
| Pay Per View Movies | \$3.99/ea |
| Pay Per View Events | varies by event |
| Pay Per View Adult | \$13.99/ea |
| Movies On Demand—New Releases* | \$3.99/ea |
| Movies On Demand—Movie Favorites* | \$1.99/ea |
| Movies On Demand—Adult* | \$13.99/ea |

Installation/One-Time Service Fees

| | 2010 Price |
|---|------------|
| Door to Door Collection | \$37.00 |
| Returned Check Fee | \$20.00 |
| Unwired Installation | \$61.55 |
| Pre-Wired Installation | \$42.64 |
| Digital Phone Installation | \$42.64 |
| Road Runner Installation | \$42.64 |
| Additional Outlet at Install | \$29.39 |
| Additional Outlet Separate Trip | \$43.19 |
| Truck Trip | \$52.32 |
| Upgrade to Standard or Above | \$29.99 |
| Upgrade to Other New Services (no truck trip required) | \$1.99 |
| Non-Pay Reconnect | \$42.64 |
| Home Networking Installation (up to two computers) | \$49.99 |
| Home Networking Installation (each additional computer) | \$49.99 |
| Payment Fee (with live agent) | \$5.00 |

Franchise Fees and Sales Tax

Programming prices do not include tax and franchise fees. Each municipality sets the franchise fee percentage therefore they will vary. You may see a slight increase in both sales tax and franchise fees because they are calculated as a percentage of your service costs.

Access Fees

Some towns or cities may charge an access fee that covers the cost of providing local access programming. Contact information for your community's Local Franchising Authority can be viewed at www.timewarnercable.com/NewEngland in the Community menu.

*Some channels and services not available in all areas. The prices in this notice reflect the retail prices for some of our products and services. Some customers may receive promotional pricing and/or optional channel line ups. Prices for service for those customers who subscribe to special promotional offers and/or packages may not necessarily be reflected in this notice.

December 2009

Dear Valued Customer,

Time Warner Cable is proud to serve as your local provider for all your video, voice and high speed services. We spent the last year investing \$65 million in our infrastructure to increase network reliability and deliver additional services to our customers.

More Services, Features, Channels and Speed for our Customers:

- Launching 100 or more HD channels to a majority of our service area in 2009 with plans to expand to other areas in 2010.
- Providing customers with an extra boost of speed when downloading large files with PowerBoost technology.
- Extending broadband availability to rural portions of Maine and New Hampshire. In 2009, we made high speed internet available to thousands of additional homes in our service area.
- Providing over 400 hours of local programming each year—covering dozens of local high school sports games and highlighting important health and economic issues affecting customers across Maine and New Hampshire.
- Improving appointment windows for installation and service calls as well as increasing weekend appointment availability.
- Keeping our commitment to local customer service with 24/7 Call Center support and 17 office locations across Maine and New Hampshire.

Connecting Our Communities:

Time Warner Cable's investments go beyond our innovative efforts to keep customers connected to entertainment, information and each other. For more than 30 years we have contributed to the local communities we serve in a number of ways.

- Extensive Local On-Demand library focusing on people and places in New England.
- Over 700 schools and libraries across our service area have free access to cable television and high speed internet.
- Dozens of local charities benefit from our support—including hundreds of hours our employees spend volunteering.

Our 2010 pricing information provided on the inside of this brochure will take effect with your January bill. We know you have choices when it comes to selecting providers for your video, internet and phone services; we appreciate your business and look forward to serving you.

Thank you for choosing Time Warner Cable.

Regards,

Keith Burkle

Keith Burkle, RVP of Operations, New England

2010 PRICES

Monthly Service Pricing

2010 Price/mo.

| | |
|---|------------|
| Basic | \$19.50 |
| Digital/DVR/HD Converter | \$7.34 ea |
| EarthLink (with any other service) | \$46.95* |
| Road Runner (with any other service) | \$46.95* |
| Road Runner Lite (with any other service) | \$23.95** |
| Road Runner Basic (with any other service) | \$29.95*** |
| Road Runner Turbo (in addition to standard Road Runner) | \$9.95 |
| Cable CARD | \$1.75 |
| Home Networking | \$9.95 |
| Digital Video Recorder (DVR) Service | \$10.95 |
| Digital Phone | \$39.95 |
| Digital Phone Voicemail | \$3.95 |
| Unlimited In-State Digital Phone Service | \$29.95 |
| Private Listing | \$4.00 |
| Non-listed phone number (Private Listing) | \$4.00 |

Premium Channels

2010 Price/mo.

| | |
|---|---------|
| First Movie Channel (includes network's corresponding "On Demand" service where available) | \$14.95 |
| Each Additional Movie Channel (includes network's corresponding "On Demand" service where available) | \$12.95 |

Additional Digital Services

Some services not available in all areas.

| | |
|--|--------|
| HD Premium Tier (MGM HD, Smithsonian HD, RFD HD, MAV, Universal HD) | \$4.95 |
| Movie Tier (Encore Plex Pac, IFC, Flix, Retro-Plex, Indie-Plex) | \$5.95 |
| Sports Tier (Three regional Fox College Sports channels, Fox Sports en Español, FUEL, Tennis Channel, CBS C TV, NHL Network, Sportsman Channel, Big Ten, GOL) | \$3.95 |

Monthly Package Pricing

2010 Price/mo.

Please note that some of our packages are not available in all areas.

| | |
|--|----------|
| Classic Cable | \$63.75 |
| Digital Cable | \$67.95 |
| Talk and Surf† Digital Phone and Road Runner High Speed Online | \$83.95 |
| Watch and Talk Digital Cable and Digital Phone | \$108.95 |
| Watch and Talk Plus Digital Cable with two premium channels and Digital Phone | \$131.95 |
| Watch and Surf† Digital Cable and Road Runner High Speed Online | \$111.95 |
| Watch and Surf Plus† Digital Cable with two premium channels and Road Runner High Speed Online | \$134.95 |
| All the Best† Digital Cable, Road Runner High Speed Online and Digital Phone | \$146.95 |
| All the Best Plus† Digital Cable with two premium channels, Road Runner High Speed Online and Digital Phone | \$167.95 |
| All the Best Premium† Digital Cable with four premium channels, Road Runner High Speed Online and Digital Phone | \$186.95 |

* Price is \$49.99 as a stand alone service.

** Price is \$28.99 as a stand alone service.

*** Price is \$34.99 as a stand alone service.

†EarthLink may be used as the High Speed Online choice in any monthly package.



PO Box 8180
Portland, ME 04104

A-3-b

Dear Town/City Manager,

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Time Warner Cable customers in your community.

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The agreements with the programmers/broadcasters on the attached list are due to expire soon and we may be required to cease carriage of one or more of these services/stations in the near future. Conversely, there are also times when we will include the addition of new channels within these ads.

Again, this is a routine notice and we are confident agreements will be reached with these networks. Enclosed is a copy of the ad that will run in the local daily paper; the notice can also be found on our website at: <http://www.timewarnercable.com/newengland/support/policies/channelchange.html>

These ads are placed in the first and third Wednesday of each month. This information is also located on the back of the customer bill.

Please do not hesitate to contact us if you have any questions.

Sincerely,

Melinda Poore
Melinda.poore@twcable.com
Ph: (207)253-2217

Mike Edgecomb
Michael.edgecomb@twcable.com
Ph: (207) 594-2249 x2181

Shelley Winchenbach
Shelley.winchenbach@twcable.com
Ph: (207) 594-2249 x2177

CABLE

HIGH-SPEED ONLINE

DIGITAL PHONE

www.timewarnercable.com/newengland • www.yourtownscable.com

Time Warner Cable - New England Division's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future.

No changes at this time.

Please note, some channels listed may not be available in your service area. Please consult for local listings for more details at www.timewarnercable.com/newengland.

The following programming changes are scheduled to take place:

NBA TV moving from Sports Tier to Digital Cable Tier

Sundance moving from Movie Tier to Digital Cable Tier

Removal of WGN in North Anson area

The following programming services are scheduled to be added throughout our service area (where available) as well:

Sleuth TV (locations where currently not available)

GOL and Big Ten Network added to Sports Tier



Customers can visit our web site at www.timewarnercable.com/newengland to obtain more details on the above notice.

Time Warner Cable, 118 Johnson Road, Portland, Maine 04102



Check One: ☒ Initial Application
☐ Application for Re:

A-3-C

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Markowsky Judy K
LAST FIRST MI
ADDRESS: 50 Foxglove Dr. Hampden ME 04444
STREET MAILING
TELEPHONE: 862-4300
HOME WORK
EMAIL: JK Markowsky@gmail.com
OCCUPATION: retired

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Friends of Dorothea Dix Park

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

Are there any issues you feel this board or committee should address, or should continue to address? _____

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK

3 YEAR

DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: 11/5/09

APPOINTMENTS COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: ☐ Initial Application
☒ Application for Reappointment

A-3-d

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: FEVERSTON JAMES
LAST FIRST MI

ADDRESS: 55 Dudley
STREET MAILING

TELEPHONE: 868-4644
HOME WORK

EMAIL: jfeverston@roadrunner.com

OCCUPATION: Consultant

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Pool

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

Reappointment

Are there any issues you feel this board or committee should address, or should continue to address? _____

Fundraising to supplement expenses

3 YEAR
CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE
FRIENDS OF DOROTHEA DIX PARK
DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR
PLANNING BOARD

| | | |
|--------------------------------------|--------------------|--|
| FOR TOWN USE ONLY | | Date Application Received: <u>11/12/09</u> |
| APPOINTMENTS COMMITTEE ACTION: _____ | | DATE: _____ |
| COUNCIL ACTION: _____ | | DATE: _____ |
| ____ NEW APPT | ____ REAPPOINTMENT | DATE APPOINTMENT EXPIRES: _____ |



A-4-a

October 13, 2009

Susan Lessard
Town Manager
Town of Hampden
106 Western Avenue
Hampden, Maine 04444

**RE: Pine Tree Landfill
Monthly Report of Landfill Complaints**

Dear Susan:

During the Month of September 2009, no complaints were received pertaining to Pine Tree Landfill operations.

If you should require any additional information, please feel free to contact me at 862-4200, ext. 245.

Sincerely,

Tom Gilbert
Environmental Compliance Manager
Pine Tree Landfill

CC: Cyndi Darling, MDEP
Wayne Boyd, Casella Waste Systems, Inc.
Don Meagher, Casella Waste Systems, Inc.
Toni King, Casella Waste Systems, Inc.

October 13, 2009

Cyndi Darling
Maine Dept. of Environmental Protection
Bureau of Remediation & Waste Management
106 Hogan Road
Bangor, Maine 04401

**RE: New England Waste Services of ME
d/b/a Pine Tree Landfill
Monthly Special Waste Activity Report**

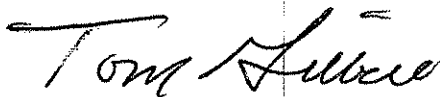
Dear Cyndi:

Enclosed please find the September 2009 Waste Activity Report for Pine Tree Landfill. All analytical data relating to special waste deliveries to the landfill is kept on file for your review as required.

If you should have any questions regarding the enclosed, please do not hesitate to contact me at 862-4200, ext. 245.

Sincerely,

PINE TREE LANDFILL



Tom Gilbert
Environmental Compliance Manager

Enclosure

CC: Wayne Boyd, PTL
Toni King, Casella Waste Systems, Inc.
Susan Lessard, Town of Hampden

**PINE TREE LANDFILL
HAMPDEN, MAINE
MONTHLY WASTE ACTIVITY REPORT
SEPTEMBER 2009**

| Delivery Date | Manifest Approval # | Waste Description | Quantity Delivered (tons) | Transporter Name | Generator Name | State of Origin |
|---------------|---------------------|----------------------|---------------------------|------------------|------------------------------|-----------------|
| 09/03/09 | 255803 | NON FRIABLE ASBESTOS | 0.24 | ROOF | HARRINGTON ELEMENTARY SCHOOL | ME |
| 09/19/09 | 257516 | NON FRIABLE ASBESTOS | 0.40 | M.SARGENT | MATTHEW SARGENT | ME |
| 09/24/09 | 257966 | NON FRIABLE ASBESTOS | 23.17 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/24/09 | 257976 | NON FRIABLE ASBESTOS | 32.39 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/24/09 | 258003 | NON FRIABLE ASBESTOS | 26.17 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/24/09 | 258058 | NON FRIABLE ASBESTOS | 30.23 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/25/09 | 258109 | NON FRIABLE ASBESTOS | 33.97 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/25/09 | 258113 | NON FRIABLE ASBESTOS | 31.97 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/25/09 | 258175 | NON FRIABLE ASBESTOS | 23.75 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/25/09 | 258178 | NON FRIABLE ASBESTOS | 32.05 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/25/09 | 258185 | NON FRIABLE ASBESTOS | 33.07 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/26/09 | 258208 | NON FRIABLE ASBESTOS | 30.12 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/28/09 | 258366 | NON FRIABLE ASBESTOS | 28.67 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/28/09 | 258383 | NON FRIABLE ASBESTOS | 29.46 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/28/09 | 258384 | NON FRIABLE ASBESTOS | 25.04 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/28/09 | 258385 | NON FRIABLE ASBESTOS | 32.73 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/28/09 | 258389 | NON FRIABLE ASBESTOS | 32.34 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/28/09 | 258391 | NON FRIABLE ASBESTOS | 31.08 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258415 | NON FRIABLE ASBESTOS | 32.77 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258425 | NON FRIABLE ASBESTOS | 30.09 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258428 | NON FRIABLE ASBESTOS | 32.29 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258544 | NON FRIABLE ASBESTOS | 31.57 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258550 | NON FRIABLE ASBESTOS | 32.43 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258558 | NON FRIABLE ASBESTOS | 33.11 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258569 | NON FRIABLE ASBESTOS | 34.18 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258581 | NON FRIABLE ASBESTOS | 37.49 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/29/09 | 258584 | NON FRIABLE ASBESTOS | 35.25 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/30/09 | 258644 | NON FRIABLE ASBESTOS | 29.99 | BRIGHTER | WESTOVER AIR FORCE BASE | MA |
| 09/01/09 | 255560 | BIO MEDICAL WASTE | 8.37 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/02/09 | 255689 | BIO MEDICAL WASTE | 8.08 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/03/09 | 255819 | BIO MEDICAL WASTE | 6.02 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/04/09 | 255935 | BIO MEDICAL WASTE | 7.77 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/07/09 | 256088 | BIO MEDICAL WASTE | 7.62 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/10/09 | 256428 | BIO MEDICAL WASTE | 10.24 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/11/09 | 256635 | BIO MEDICAL WASTE | 8.04 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/14/09 | 256845 | BIO MEDICAL WASTE | 6.68 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/15/09 | 256970 | BIO MEDICAL WASTE | 7.66 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/16/09 | 257148 | BIO MEDICAL WASTE | 8.80 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/18/09 | 257405 | BIO MEDICAL WASTE | 9.89 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/22/09 | 257796 | BIO MEDICAL WASTE | 11.64 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/23/09 | 257875 | BIO MEDICAL WASTE | 9.33 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/24/09 | 258019 | BIO MEDICAL WASTE | 8.42 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/25/09 | 258129 | BIO MEDICAL WASTE | 7.64 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/26/09 | 258216 | BIO MEDICAL WASTE | 7.92 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/27/09 | 258258 | BIO MEDICAL WASTE | 5.59 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/29/09 | 258491 | BIO MEDICAL WASTE | 7.84 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/30/09 | 258648 | BIO MEDICAL WASTE | 8.19 | OXUS | ASSOCIATED HEALTH RESOURCES | ME |
| 09/03/09 | 255824 | CONTAMINATED SOIL | 14.35 | CH | BORDER TRUST BANK | ME |
| 09/03/09 | 255836 | CONTAMINATED SOIL | 15.92 | CH | BORDER TRUST BANK | ME |
| 09/04/09 | 255889 | CONTAMINATED SOIL | 10.89 | CH | BORDER TRUST BANK | ME |
| 09/04/09 | 255957 | CONTAMINATED SOIL | 8.15 | CH | BORDER TRUST BANK | ME |
| 09/15/09 | 257007 | CONTAMINATED SOIL | 19.13 | CH | BORDER TRUST BANK | ME |
| 09/03/09 | 255843 | CONTAMINATED SOIL | 16.46 | SAMS | CITY OF BANGOR | ME |
| 09/23/09 | 257857 | CONTAMINATED SOIL | 1.61 | CH | JEFF CRAWFORD | ME |
| 09/22/09 | 257738 | CONTAMINATED SOIL | 9.35 | HUTCHINS | LIVE LOBSTER CO. | ME |
| 09/22/09 | 257806 | CONTAMINATED SOIL | 10.04 | HUTCHINS | LIVE LOBSTER CO. | ME |
| 09/23/09 | 257917 | CONTAMINATED SOIL | 4.74 | CH | PERCY LORETTE | ME |
| 09/28/09 | 258290 | DREDGED SPOILS | 31.46 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258299 | DREDGED SPOILS | 31.41 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258311 | DREDGED SPOILS | 28.48 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258315 | DREDGED SPOILS | 33.79 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258332 | DREDGED SPOILS | 34.14 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258342 | DREDGED SPOILS | 33.35 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258367 | DREDGED SPOILS | 33.23 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258377 | DREDGED SPOILS | 30.98 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258386 | DREDGED SPOILS | 32.37 | THORN | CITY OF BANGOR | ME |
| 09/28/09 | 258393 | DREDGED SPOILS | 32.35 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258429 | DREDGED SPOILS | 35.79 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258431 | DREDGED SPOILS | 30.70 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258432 | DREDGED SPOILS | 29.28 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258433 | DREDGED SPOILS | 31.71 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258452 | DREDGED SPOILS | 26.36 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258454 | DREDGED SPOILS | 28.32 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258460 | DREDGED SPOILS | 30.07 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258466 | DREDGED SPOILS | 26.83 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258475 | DREDGED SPOILS | 32.18 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258480 | DREDGED SPOILS | 27.52 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258488 | DREDGED SPOILS | 29.37 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258499 | DREDGED SPOILS | 28.98 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258501 | DREDGED SPOILS | 23.18 | THORN | CITY OF BANGOR | ME |

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|----------|--------|--------------------------------|-------|----------|--------------------------|----|
| 09/29/09 | 258510 | DREDGED SPOILS | 29.22 | KBC | CITY OF BANGOR | ME |
| 09/29/09 | 258535 | DREDGED SPOILS | 29.28 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258537 | DREDGED SPOILS | 26.93 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258538 | DREDGED SPOILS | 23.19 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258547 | DREDGED SPOILS | 28.96 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258564 | DREDGED SPOILS | 31.46 | KBC | CITY OF BANGOR | ME |
| 09/29/09 | 258568 | DREDGED SPOILS | 27.96 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258575 | DREDGED SPOILS | 30.90 | KBC | CITY OF BANGOR | ME |
| 09/29/09 | 258577 | DREDGED SPOILS | 26.19 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258606 | DREDGED SPOILS | 29.14 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258611 | DREDGED SPOILS | 30.93 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258615 | DREDGED SPOILS | 22.74 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258620 | DREDGED SPOILS | 25.36 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258621 | DREDGED SPOILS | 28.32 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258622 | DREDGED SPOILS | 30.42 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258634 | DREDGED SPOILS | 23.86 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258640 | DREDGED SPOILS | 22.94 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258641 | DREDGED SPOILS | 29.69 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258643 | DREDGED SPOILS | 31.68 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258647 | DREDGED SPOILS | 24.25 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258649 | DREDGED SPOILS | 26.34 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258653 | DREDGED SPOILS | 33.18 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258654 | DREDGED SPOILS | 29.95 | THORN | CITY OF BANGOR | ME |
| 09/30/09 | 258659 | DREDGED SPOILS | 26.78 | THORN | CITY OF BANGOR | ME |
| 09/29/09 | 258557 | DREDGED SPOILS | 31.47 | BRIGHTER | CLARIANT CORP | RI |
| 09/29/09 | 258570 | DREDGED SPOILS | 22.92 | BRIGHTER | CLARIANT CORP | RI |
| 09/29/09 | 258579 | DREDGED SPOILS | 24.53 | BRIGHTER | CLARIANT CORP | RI |
| 09/29/09 | 258582 | DREDGED SPOILS | 25.07 | BRIGHTER | CLARIANT CORP | RI |
| 09/30/09 | 258593 | DREDGED SPOILS | 34.06 | BRIGHTER | CLARIANT CORP | RI |
| 09/30/09 | 258630 | DREDGED SPOILS | 21.46 | BRIGHTER | CLARIANT CORP | RI |
| 09/30/09 | 258632 | DREDGED SPOILS | 21.26 | BRIGHTER | CLARIANT CORP | RI |
| 09/30/09 | 258633 | DREDGED SPOILS | 21.62 | BRIGHTER | CLARIANT CORP | RI |
| 09/11/09 | 256591 | GLASS BEAD ABRASIVE | 22.39 | PTS | GENERAL ELECTRIC | ME |
| 09/14/09 | 256871 | GRIT CATCH BASIN | 6.97 | CH | DAIGLE OIL COMPANY | ME |
| 09/16/09 | 257184 | GRIT CATCH BASIN | 6.40 | CH | DEADRIVER | ME |
| 09/11/09 | 256565 | GRIT CATCH BASIN | 1.34 | CH | IRVING STATION | ME |
| 09/10/09 | 256486 | GRIT CATCH BASIN | 1.86 | CH | MAINE AIR GUARDE | ME |
| 09/03/09 | 255814 | GRIT SAND BLAST | 2.75 | PTS | GENERAL ELECTRIC | ME |
| 09/29/09 | 258440 | GRIT SAND BLAST | 14.53 | PTS | ROCKLAND MARINE | ME |
| 09/14/09 | 256891 | NON FRIABLE ASBESTOS | 3.19 | PTW | BIO-SAFE ENRONMENTAL | ME |
| 09/10/09 | 256506 | OVERSIZED BULKY WASTE | 30.34 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256509 | OVERSIZED BULKY WASTE | 28.41 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257347 | CONSTRUCTION DEBRIS | 3.80 | PTW | DARREN MCHUREN | ME |
| 09/09/09 | 256314 | MUNICIPAL ASH | 28.89 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256315 | MUNICIPAL ASH | 29.71 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256332 | MUNICIPAL ASH | 29.74 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256356 | MUNICIPAL ASH | 29.11 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256377 | MUNICIPAL ASH | 28.55 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256464 | MUNICIPAL ASH | 29.90 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256465 | MUNICIPAL ASH | 30.12 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256519 | MUNICIPAL ASH | 29.85 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256736 | MUNICIPAL ASH | 29.26 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/13/09 | 256766 | MUNICIPAL ASH | 28.88 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/20/09 | 257577 | MUNICIPAL ASH | 29.72 | SAMS | MAINE ENERGY RECOVERY CO | ME |
| 09/28/09 | 258320 | NON-HAZARDOUS CHEMICAL RELATED | 13.90 | PTW | CIANBRO | ME |
| 09/25/09 | 258182 | NON-HAZARDOUS CHEMICAL RELATED | 8.11 | PTS | TOM'S OF MAINE | ME |
| 09/29/09 | 258519 | NON-HAZARDOUS CHEMICAL RELATED | 7.09 | PTS | TOM'S OF MAINE | ME |
| 09/03/09 | 255872 | FEPR | 27.75 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/04/09 | 255881 | FEPR | 27.80 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/04/09 | 255922 | FEPR | 30.09 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/04/09 | 255991 | FEPR | 29.21 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/04/09 | 256004 | FEPR | 24.48 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/05/09 | 256029 | FEPR | 27.72 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/05/09 | 256031 | FEPR | 27.03 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/05/09 | 256039 | FEPR | 29.30 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/06/09 | 256054 | FEPR | 27.62 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/06/09 | 256058 | FEPR | 27.21 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/06/09 | 256059 | FEPR | 25.76 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/07/09 | 256079 | FEPR | 27.18 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/07/09 | 256080 | FEPR | 28.63 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/07/09 | 256082 | FEPR | 29.04 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/08/09 | 256124 | FEPR | 28.95 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/08/09 | 256133 | FEPR | 27.92 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/08/09 | 256134 | FEPR | 27.54 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/08/09 | 256152 | FEPR | 29.39 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/08/09 | 256206 | FEPR | 27.90 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/08/09 | 256226 | FEPR | 28.38 | KBC | MAINE ENERGY RECOVERY CO | ME |

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|----------|--------|------|-------|-----|--------------------------|----|
| 09/09/09 | 256243 | FEPR | 28.36 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256258 | FEPR | 28.60 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256286 | FEPR | 26.67 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256288 | FEPR | 28.83 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256302 | FEPR | 27.86 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256312 | FEPR | 28.13 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256325 | FEPR | 26.99 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256334 | FEPR | 26.10 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256355 | FEPR | 28.90 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256378 | FEPR | 28.08 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256387 | FEPR | 27.68 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/09/09 | 256388 | FEPR | 27.78 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256406 | FEPR | 27.88 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256422 | FEPR | 27.82 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256425 | FEPR | 26.37 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256441 | FEPR | 27.76 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256460 | FEPR | 29.09 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/10/09 | 256513 | FEPR | 26.22 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256561 | FEPR | 27.85 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256567 | FEPR | 28.74 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256571 | FEPR | 26.33 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256582 | FEPR | 27.99 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256602 | FEPR | 28.68 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256605 | FEPR | 27.81 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256610 | FEPR | 26.79 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256619 | FEPR | 27.56 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256648 | FEPR | 28.06 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/11/09 | 256670 | FEPR | 26.09 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256701 | FEPR | 27.22 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256703 | FEPR | 28.60 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256713 | FEPR | 27.43 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256715 | FEPR | 27.08 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256719 | FEPR | 29.22 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256720 | FEPR | 28.19 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256723 | FEPR | 28.95 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256731 | FEPR | 28.29 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/12/09 | 256732 | FEPR | 28.31 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/13/09 | 256767 | FEPR | 28.03 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/13/09 | 256769 | FEPR | 28.69 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/13/09 | 256771 | FEPR | 27.00 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256801 | FEPR | 27.28 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256815 | FEPR | 27.15 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256819 | FEPR | 27.79 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256831 | FEPR | 28.04 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256832 | FEPR | 29.31 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256850 | FEPR | 26.72 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256857 | FEPR | 27.65 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256899 | FEPR | 27.81 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256903 | FEPR | 28.20 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256912 | FEPR | 28.65 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256919 | FEPR | 27.54 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/14/09 | 256923 | FEPR | 25.77 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256938 | FEPR | 26.62 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256941 | FEPR | 28.12 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256966 | FEPR | 29.31 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256967 | FEPR | 28.48 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256977 | FEPR | 29.08 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256984 | FEPR | 28.12 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256985 | FEPR | 29.53 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256995 | FEPR | 27.70 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 256996 | FEPR | 25.99 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 257000 | FEPR | 27.22 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/15/09 | 257008 | FEPR | 27.42 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257087 | FEPR | 28.81 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257088 | FEPR | 26.42 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257108 | FEPR | 26.42 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257116 | FEPR | 27.19 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257117 | FEPR | 29.63 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257121 | FEPR | 27.84 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257124 | FEPR | 27.78 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257129 | FEPR | 28.44 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257130 | FEPR | 28.06 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257134 | FEPR | 28.35 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257197 | FEPR | 25.74 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257201 | FEPR | 27.70 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257217 | FEPR | 28.07 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/16/09 | 257219 | FEPR | 26.95 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257233 | FEPR | 29.93 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257243 | FEPR | 28.58 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257246 | FEPR | 26.73 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257256 | FEPR | 29.32 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257258 | FEPR | 27.83 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257264 | FEPR | 27.18 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257278 | FEPR | 27.13 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257295 | FEPR | 26.74 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257299 | FEPR | 28.32 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/17/09 | 257316 | FEPR | 26.78 | KBC | MAINE ENERGY RECOVERY CO | ME |

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| 09/17/09 | 257335 | FEPR | 29.10 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257385 | FEPR | 29.07 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257386 | FEPR | 26.79 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257394 | FEPR | 27.54 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257404 | FEPR | 28.06 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257409 | FEPR | 27.24 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257418 | FEPR | 28.57 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257442 | FEPR | 27.70 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257448 | FEPR | 28.25 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257488 | FEPR | 26.28 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/18/09 | 257497 | FEPR | 27.56 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/19/09 | 257523 | FEPR | 27.92 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/19/09 | 257537 | FEPR | 28.31 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/19/09 | 257538 | FEPR | 28.81 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/20/09 | 257569 | FEPR | 28.58 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/20/09 | 257570 | FEPR | 26.78 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/20/09 | 257571 | FEPR | 28.47 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/20/09 | 257578 | FEPR | 30.30 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/20/09 | 257584 | FEPR | 27.36 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/20/09 | 257585 | FEPR | 26.76 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257602 | FEPR | 28.17 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257603 | FEPR | 27.11 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257607 | FEPR | 27.48 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257608 | FEPR | 26.46 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257611 | FEPR | 29.54 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257622 | FEPR | 29.83 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257623 | FEPR | 28.37 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257626 | FEPR | 28.48 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257631 | FEPR | 28.68 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257636 | FEPR | 28.45 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/21/09 | 257652 | FEPR | 25.91 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/22/09 | 257714 | FEPR | 28.14 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/22/09 | 257715 | FEPR | 26.84 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/22/09 | 257721 | FEPR | 28.89 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/22/09 | 257745 | FEPR | 28.35 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/22/09 | 257746 | FEPR | 27.02 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/22/09 | 257753 | FEPR | 28.65 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/22/09 | 257828 | FEPR | 26.99 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/23/09 | 257863 | FEPR | 27.46 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/24/09 | 258009 | FEPR | 28.06 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/24/09 | 258067 | FEPR | 27.13 | KBC | MAINE ENERGY RECOVERY CO | ME |
| 09/28/09 | 258327 | WOOD ASH | 14.80 | PTS | OWLS HEAD TRANSFER STATION | ME |
| 09/23/09 | 257865 | INCINERATOR ASH | 5.13 | LYNCH | LYNCH CONSTRUCTION | ME |
| 09/10/09 | 256474 | LEATHERSCRAPS | 9.07 | PTS | IRVING TANNING | ME |
| 09/23/09 | 257911 | LEATHERSCRAPS | 8.22 | PTS | IRVING TANNING | ME |
| 09/09/09 | 256242 | MUNICIPAL ASH | 30.41 | KBC | PERC | ME |
| 09/10/09 | 256394 | MUNICIPAL ASH | 29.90 | KBC | PERC | ME |
| 09/10/09 | 256395 | MUNICIPAL ASH | 27.57 | KBC | PERC | ME |
| 09/10/09 | 256426 | MUNICIPAL ASH | 26.70 | KBC | PERC | ME |
| 09/11/09 | 256553 | MUNICIPAL ASH | 30.34 | KBC | PERC | ME |
| 09/11/09 | 256554 | MUNICIPAL ASH | 28.87 | KBC | PERC | ME |
| 09/11/09 | 256611 | MUNICIPAL ASH | 28.76 | KBC | PERC | ME |
| 09/12/09 | 256697 | MUNICIPAL ASH | 30.88 | KBC | PERC | ME |
| 09/12/09 | 256698 | MUNICIPAL ASH | 30.77 | KBC | PERC | ME |
| 09/12/09 | 256699 | MUNICIPAL ASH | 29.08 | KBC | PERC | ME |
| 09/12/09 | 256700 | MUNICIPAL ASH | 30.16 | KBC | PERC | ME |
| 09/12/09 | 256730 | MUNICIPAL ASH | 29.11 | KBC | PERC | ME |
| 09/12/09 | 256763 | MUNICIPAL ASH | 25.43 | KBC | PERC | ME |
| 09/13/09 | 256781 | MUNICIPAL ASH | 28.73 | KBC | PERC | ME |
| 09/13/09 | 256783 | MUNICIPAL ASH | 31.22 | KBC | PERC | ME |
| 09/13/09 | 256789 | MUNICIPAL ASH | 30.80 | KBC | PERC | ME |
| 09/13/09 | 256791 | MUNICIPAL ASH | 27.89 | KBC | PERC | ME |
| 09/13/09 | 256792 | MUNICIPAL ASH | 29.29 | KBC | PERC | ME |
| 09/14/09 | 256802 | MUNICIPAL ASH | 30.54 | KBC | PERC | ME |
| 09/14/09 | 256803 | MUNICIPAL ASH | 29.40 | KBC | PERC | ME |
| 09/14/09 | 256804 | MUNICIPAL ASH | 30.35 | KBC | PERC | ME |
| 09/02/09 | 255658 | NON-HAZARDOUS CHEMICAL RELATED | 6.81 | PTW | GAC CHEM | ME |
| 09/14/09 | 256909 | NON-HAZARDOUS CHEMICAL RELATED | 7.47 | CH | GAC CHEM | ME |
| 09/15/09 | 257037 | NON-HAZARDOUS CHEMICAL RELATED | 6.89 | CH | GAC CHEM | ME |
| 09/15/09 | 257066 | NON-HAZARDOUS CHEMICAL RELATED | 6.60 | CH | GAC CHEM | ME |
| 09/16/09 | 257141 | NON-HAZARDOUS CHEMICAL RELATED | 6.48 | CH | GAC CHEM | ME |
| 09/16/09 | 257166 | NON-HAZARDOUS CHEMICAL RELATED | 6.44 | CH | GAC CHEM | ME |
| 09/16/09 | 257196 | NON-HAZARDOUS CHEMICAL RELATED | 6.60 | CH | GAC CHEM | ME |
| 09/16/09 | 257221 | NON-HAZARDOUS CHEMICAL RELATED | 6.50 | CH | GAC CHEM | ME |
| 09/17/09 | 257306 | NON-HAZARDOUS CHEMICAL RELATED | 6.25 | CH | GAC CHEM | ME |
| 09/17/09 | 257343 | NON-HAZARDOUS CHEMICAL RELATED | 4.65 | CH | GAC CHEM | ME |
| 09/18/09 | 257449 | NON-HAZARDOUS CHEMICAL RELATED | 5.30 | CH | GAC CHEM | ME |
| 09/18/09 | 257480 | NON-HAZARDOUS CHEMICAL RELATED | 3.78 | CH | GAC CHEM | ME |
| 09/23/09 | 257897 | NON-HAZARDOUS CHEMICAL RELATED | 2.66 | ENV | MAINE ENVIRO DEPOT LLC | ME |

**PINE TREE LANDFILL
HAMPTON, MAINE
MONTHLY WASTE ACTIVITY REPORT
SEPTEMBER 2009**

| | | | | | | |
|----------|--------|-------------------|-------|------------|--------------------------------|----|
| 09/04/09 | 255994 | NON SPECIAL WASTE | 0.74 | HUSSON | HUSSON COLLEGE | ME |
| 09/16/09 | 257207 | NON SPECIAL WASTE | 1.14 | HUSSON | HUSSON COLLEGE | ME |
| 09/10/09 | 256411 | OILY DEBRIS | 30.51 | EN | ENPRO ENVIRONMENTAL SERVICES | ME |
| 09/14/09 | 256855 | OILY DEBRIS | 16.45 | TRO | ENPRO ENVIRONMENTAL SERVICES | ME |
| 09/16/09 | 257171 | OILY DEBRIS | 13.06 | EN | ENPRO ENVIRONMENTAL SERVICES | ME |
| 09/16/09 | 257192 | OILY DEBRIS | 8.54 | EN | ENPRO ENVIRONMENTAL SERVICES | ME |
| 09/23/09 | 257871 | OILY DEBRIS | 27.11 | EN | ENPRO ENVIRONMENTAL SERVICES | ME |
| 09/25/09 | 258116 | OILY DEBRIS | 15.07 | CLEAN VENT | GENERAL CHEMICAL | MA |
| 09/28/09 | 258295 | OILY DEBRIS | 17.89 | CLEAN VENT | GENERAL CHEMICAL | MA |
| 09/08/09 | 256168 | OILY DEBRIS | 0.84 | PS | JOHN CLARK | ME |
| 09/08/09 | 256169 | OILY DEBRIS | 0.38 | PS | JOHN CLARK | ME |
| 09/08/09 | 256185 | OILY DEBRIS | 2.12 | PS | JOHN CLARK | ME |
| 09/01/09 | 255595 | OILY DEBRIS | 19.72 | CH | MIRANT CANEL GENERATION SYSTEM | MA |
| 09/07/09 | 256099 | OILY DEBRIS | 20.83 | CH | MIRANT CANEL GENERATION SYSTEM | MA |
| 09/11/09 | 256624 | OILY DEBRIS | 15.18 | CH | MIRANT CANEL GENERATION SYSTEM | MA |
| 09/17/09 | 257303 | OILY DEBRIS | 17.01 | CH | MIRANT CANEL GENERATION SYSTEM | MA |
| 09/22/09 | 257817 | OILY DEBRIS | 15.04 | CH | MIRANT CANEL GENERATION SYSTEM | MA |
| 09/29/09 | 258539 | OILY DEBRIS | 16.13 | CH | MIRANT CANEL GENERATION SYSTEM | MA |
| 09/01/09 | 255515 | OILY DEBRIS | 30.61 | SAMS | UNITED OIL RECOVERY | NH |
| 09/04/09 | 255886 | OILY DEBRIS | 30.25 | SAMS | UNITED OIL RECOVERY | NH |
| 09/04/09 | 255948 | OILY DEBRIS | 31.71 | SAMS | UNITED OIL RECOVERY | NH |
| 09/08/09 | 256157 | OILY DEBRIS | 30.30 | SAMS | UNITED OIL RECOVERY | NH |
| 09/09/09 | 256313 | OILY DEBRIS | 30.97 | SAMS | UNITED OIL RECOVERY | NH |
| 09/11/09 | 256628 | OILY DEBRIS | 31.14 | SAMS | UNITED OIL RECOVERY | NH |
| 09/17/09 | 257251 | OILY DEBRIS | 31.46 | SAMS | UNITED OIL RECOVERY | NH |
| 09/17/09 | 257370 | OILY DEBRIS | 32.89 | SAMS | UNITED OIL RECOVERY | NH |
| 09/18/09 | 257454 | OILY DEBRIS | 34.27 | SAMS | UNITED OIL RECOVERY | NH |
| 09/21/09 | 257649 | OILY DEBRIS | 32.74 | SAMS | UNITED OIL RECOVERY | NH |
| 09/24/09 | 258005 | OILY DEBRIS | 31.51 | SAMS | UNITED OIL RECOVERY | NH |
| 09/28/09 | 258349 | OILY DEBRIS | 29.38 | SAMS | UNITED OIL RECOVERY | NH |
| 09/29/09 | 258484 | OILY DEBRIS | 33.06 | SAMS | UNITED OIL RECOVERY | NH |
| 09/03/09 | 255792 | FEPR | 27.69 | KBC | PERC | ME |
| 09/03/09 | 255794 | FEPR | 28.69 | KBC | PERC | ME |
| 09/03/09 | 255820 | FEPR | 27.30 | KBC | PERC | ME |
| 09/03/09 | 255847 | FEPR | 28.31 | KBC | PERC | ME |
| 09/04/09 | 255894 | FEPR | 27.63 | KBC | PERC | ME |
| 09/04/09 | 255927 | FEPR | 27.16 | KBC | PERC | ME |
| 09/04/09 | 255954 | FEPR | 28.17 | KBC | PERC | ME |
| 09/04/09 | 255988 | FEPR | 28.84 | KBC | PERC | ME |
| 09/05/09 | 256019 | FEPR | 28.51 | KBC | PERC | ME |
| 09/05/09 | 256032 | FEPR | 28.64 | KBC | PERC | ME |
| 09/06/09 | 256055 | FEPR | 28.60 | KBC | PERC | ME |
| 09/06/09 | 256056 | FEPR | 26.92 | KBC | PERC | ME |
| 09/06/09 | 256057 | FEPR | 28.49 | KBC | PERC | ME |
| 09/06/09 | 256064 | FEPR | 29.67 | KBC | PERC | ME |
| 09/06/09 | 256065 | FEPR | 27.78 | KBC | PERC | ME |
| 09/07/09 | 256081 | FEPR | 27.47 | KBC | PERC | ME |
| 09/07/09 | 256083 | FEPR | 28.57 | KBC | PERC | ME |
| 09/07/09 | 256085 | FEPR | 27.20 | KBC | PERC | ME |
| 09/07/09 | 256086 | FEPR | 28.67 | KBC | PERC | ME |
| 09/07/09 | 256091 | FEPR | 29.12 | KBC | PERC | ME |
| 09/07/09 | 256094 | FEPR | 28.65 | KBC | PERC | ME |
| 09/07/09 | 256097 | FEPR | 29.08 | KBC | PERC | ME |
| 09/07/09 | 256098 | FEPR | 29.01 | KBC | PERC | ME |
| 09/07/09 | 256103 | FEPR | 27.61 | KBC | PERC | ME |
| 09/07/09 | 256106 | FEPR | 28.06 | KBC | PERC | ME |
| 09/07/09 | 256107 | FEPR | 28.28 | KBC | PERC | ME |
| 09/08/09 | 256123 | FEPR | 28.16 | KBC | PERC | ME |
| 09/08/09 | 256135 | FEPR | 30.45 | KBC | PERC | ME |
| 09/08/09 | 256139 | FEPR | 27.93 | KBC | PERC | ME |
| 09/08/09 | 256146 | FEPR | 26.94 | KBC | PERC | ME |
| 09/08/09 | 256151 | FEPR | 29.72 | KBC | PERC | ME |
| 09/08/09 | 256153 | FEPR | 28.30 | KBC | PERC | ME |
| 09/08/09 | 256171 | FEPR | 29.18 | KBC | PERC | ME |
| 09/08/09 | 256172 | FEPR | 30.46 | KBC | PERC | ME |
| 09/08/09 | 256176 | FEPR | 27.41 | KBC | PERC | ME |
| 09/08/09 | 256198 | FEPR | 29.89 | KBC | PERC | ME |
| 09/08/09 | 256202 | FEPR | 27.45 | KBC | PERC | ME |
| 09/09/09 | 256268 | FEPR | 29.56 | KBC | PERC | ME |
| 09/09/09 | 256301 | FEPR | 29.68 | KBC | PERC | ME |
| 09/09/09 | 256331 | FEPR | 30.80 | KBC | PERC | ME |
| 09/10/09 | 256410 | FEPR | 30.89 | KBC | PERC | ME |
| 09/10/09 | 256447 | FEPR | 30.53 | KBC | PERC | ME |
| 09/10/09 | 256469 | FEPR | 31.26 | KBC | PERC | ME |
| 09/10/09 | 256484 | FEPR | 30.67 | KBC | PERC | ME |
| 09/10/09 | 256493 | FEPR | 26.71 | KBC | PERC | ME |
| 09/11/09 | 256627 | FEPR | 28.43 | KBC | PERC | ME |
| 09/13/09 | 256774 | FEPR | 29.93 | KBC | PERC | ME |
| 09/14/09 | 256811 | FEPR | 29.48 | KBC | PERC | ME |
| 09/14/09 | 256814 | FEPR | 28.85 | KBC | PERC | ME |
| 09/14/09 | 256829 | FEPR | 29.29 | KBC | PERC | ME |
| 09/14/09 | 256835 | FEPR | 28.26 | KBC | PERC | ME |
| 09/14/09 | 256841 | FEPR | 28.59 | KBC | PERC | ME |
| 09/14/09 | 256849 | FEPR | 29.45 | KBC | PERC | ME |

**PINE TREE LANDFILL
HAMPDEN, MAINE
MONTHLY WASTE ACTIVITY REPORT
SEPTEMBER 2009**

| | | | | | | |
|----------|--------|-------------------|-------|------------|----------------------------|----|
| 09/14/09 | 256854 | FEPR | 28.61 | KBC | PERC | ME |
| 09/14/09 | 256863 | FEPR | 29.27 | KBC | PERC | ME |
| 09/14/09 | 256872 | FEPR | 28.41 | KBC | PERC | ME |
| 09/14/09 | 256882 | FEPR | 31.76 | KBC | PERC | ME |
| 09/14/09 | 256902 | FEPR | 27.98 | KBC | PERC | ME |
| 09/14/09 | 256926 | FEPR | 28.46 | KBC | PERC | ME |
| 09/15/09 | 256940 | FEPR | 30.03 | KBC | PERC | ME |
| 09/15/09 | 256948 | FEPR | 28.75 | KBC | PERC | ME |
| 09/15/09 | 256949 | FEPR | 30.79 | KBC | PERC | ME |
| 09/15/09 | 256968 | FEPR | 27.88 | KBC | PERC | ME |
| 09/15/09 | 256969 | FEPR | 28.73 | KBC | PERC | ME |
| 09/15/09 | 257018 | FEPR | 30.11 | KBC | PERC | ME |
| 09/15/09 | 257022 | FEPR | 28.81 | KBC | PERC | ME |
| 09/15/09 | 257035 | FEPR | 28.88 | KBC | PERC | ME |
| 09/15/09 | 257039 | FEPR | 25.89 | KBC | PERC | ME |
| 09/15/09 | 257048 | FEPR | 27.91 | KBC | PERC | ME |
| 09/15/09 | 257049 | FEPR | 28.14 | KBC | PERC | ME |
| 09/15/09 | 257071 | FEPR | 26.84 | KBC | PERC | ME |
| 09/16/09 | 257102 | FEPR | 30.69 | KBC | PERC | ME |
| 09/16/09 | 257114 | FEPR | 30.50 | KBC | PERC | ME |
| 09/16/09 | 257136 | FEPR | 30.15 | KBC | PERC | ME |
| 09/16/09 | 257143 | FEPR | 28.10 | KBC | PERC | ME |
| 09/16/09 | 257154 | FEPR | 28.73 | KBC | PERC | ME |
| 09/16/09 | 257155 | FEPR | 29.95 | KBC | PERC | ME |
| 09/16/09 | 257173 | FEPR | 27.18 | KBC | PERC | ME |
| 09/17/09 | 257262 | FEPR | 28.30 | KBC | PERC | ME |
| 09/17/09 | 257275 | FEPR | 30.69 | KBC | PERC | ME |
| 09/17/09 | 257285 | FEPR | 27.33 | KBC | PERC | ME |
| 09/17/09 | 257291 | FEPR | 28.31 | KBC | PERC | ME |
| 09/17/09 | 257304 | FEPR | 30.00 | KBC | PERC | ME |
| 09/17/09 | 257312 | FEPR | 26.88 | KBC | PERC | ME |
| 09/17/09 | 257326 | FEPR | 30.85 | KBC | PERC | ME |
| 09/17/09 | 257341 | FEPR | 28.10 | KBC | PERC | ME |
| 09/17/09 | 257375 | FEPR | 28.50 | KBC | PERC | ME |
| 09/18/09 | 257397 | FEPR | 29.01 | KBC | PERC | ME |
| 09/18/09 | 257420 | FEPR | 29.68 | KBC | PERC | ME |
| 09/18/09 | 257455 | FEPR | 29.13 | KBC | PERC | ME |
| 09/18/09 | 257473 | FEPR | 28.37 | KBC | PERC | ME |
| 09/19/09 | 257508 | FEPR | 27.67 | KBC | PERC | ME |
| 09/19/09 | 257524 | FEPR | 27.22 | KBC | PERC | ME |
| 09/19/09 | 257541 | FEPR | 28.58 | KBC | PERC | ME |
| 09/20/09 | 257573 | FEPR | 28.61 | KBC | PERC | ME |
| 09/20/09 | 257581 | FEPR | 27.87 | KBC | PERC | ME |
| 09/21/09 | 257618 | FEPR | 28.83 | KBC | PERC | ME |
| 09/21/09 | 257641 | FEPR | 28.67 | KBC | PERC | ME |
| 09/21/09 | 257653 | FEPR | 28.52 | KBC | PERC | ME |
| 09/21/09 | 257668 | FEPR | 26.72 | KBC | PERC | ME |
| 09/21/09 | 257672 | FEPR | 28.97 | KBC | PERC | ME |
| 09/21/09 | 257676 | FEPR | 31.10 | KBC | PERC | ME |
| 09/21/09 | 257688 | FEPR | 28.97 | KBC | PERC | ME |
| 09/21/09 | 257701 | FEPR | 28.99 | KBC | PERC | ME |
| 09/21/09 | 257711 | FEPR | 27.97 | KBC | PERC | ME |
| 09/25/09 | 258094 | LAUNDRY RESIDUALS | 15.77 | NE EXPRESS | ALLTEX UNIFORM | NH |
| 09/30/09 | 258683 | SUMP CLEAN OUT | 10.79 | CH | MIKES CAR WASH | NA |
| 09/30/09 | 258665 | SUMP CLEAN OUT | 22.12 | HERMON | SOUTHWORTH MILTON | ME |
| 09/30/09 | 258679 | SUMP CLEAN OUT | 18.71 | HERMON | SOUTHWORTH MILTON | ME |
| 09/30/09 | 258700 | SUMP CLEAN OUT | 13.01 | HERMON | SOUTHWORTH MILTON | ME |
| 09/24/09 | 257990 | SUMP CLEAN OUT | 14.13 | CH | SARGENT CORP. | ME |
| 09/24/09 | 258017 | SUMP CLEAN OUT | 9.79 | CH | SARGENT CORP. | ME |
| 09/25/09 | 258096 | URBIN FILL SOILS | 25.52 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/25/09 | 258099 | URBIN FILL SOILS | 27.80 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/25/09 | 258101 | URBIN FILL SOILS | 29.79 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/25/09 | 258160 | URBIN FILL SOILS | 34.05 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/25/09 | 258173 | URBIN FILL SOILS | 30.80 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/26/09 | 258209 | URBIN FILL SOILS | 34.86 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/26/09 | 258210 | URBIN FILL SOILS | 33.00 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/28/09 | 258356 | URBIN FILL SOILS | 34.10 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/28/09 | 258357 | URBIN FILL SOILS | 25.81 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/28/09 | 258359 | URBIN FILL SOILS | 30.83 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/28/09 | 258364 | URBIN FILL SOILS | 34.51 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/28/09 | 258371 | URBIN FILL SOILS | 33.61 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/29/09 | 258423 | URBIN FILL SOILS | 30.72 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/29/09 | 258526 | URBIN FILL SOILS | 31.70 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/29/09 | 258527 | URBIN FILL SOILS | 33.45 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/29/09 | 258534 | URBIN FILL SOILS | 30.87 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/29/09 | 258545 | URBIN FILL SOILS | 35.92 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/30/09 | 258594 | URBIN FILL SOILS | 31.43 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/30/09 | 258661 | URBIN FILL SOILS | 30.16 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/30/09 | 258673 | URBIN FILL SOILS | 27.62 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/30/09 | 258675 | URBIN FILL SOILS | 30.67 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/30/09 | 258676 | URBIN FILL SOILS | 31.59 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/30/09 | 258680 | URBIN FILL SOILS | 30.60 | FRENCH | HANOVER WATER STORAGE TANK | MA |
| 09/01/09 | 255481 | URBIN FILL SOILS | 23.85 | THORN | ROLNICK PROPERTY | ME |

**PINE TREE LANDFILL
HAMPDEN, MAINE
MONTHLY WASTE ACTIVITY REPORT
SEPTEMBER 2009**

| | | | | | | |
|----------|--------|----------------------|-------|-------|----------------------|----|
| 09/01/09 | 255484 | URBIN FILL SOILS | 16.34 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255492 | URBIN FILL SOILS | 23.93 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255512 | URBIN FILL SOILS | 20.88 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255514 | URBIN FILL SOILS | 17.03 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255517 | URBIN FILL SOILS | 27.97 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255519 | URBIN FILL SOILS | 24.04 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255520 | URBIN FILL SOILS | 25.09 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255533 | URBIN FILL SOILS | 22.43 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255537 | URBIN FILL SOILS | 20.32 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255539 | URBIN FILL SOILS | 18.13 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255542 | URBIN FILL SOILS | 22.31 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255543 | URBIN FILL SOILS | 24.62 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255545 | URBIN FILL SOILS | 26.69 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255546 | URBIN FILL SOILS | 24.39 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255549 | URBIN FILL SOILS | 20.40 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255554 | URBIN FILL SOILS | 16.44 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255556 | URBIN FILL SOILS | 24.18 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255559 | URBIN FILL SOILS | 23.64 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255563 | URBIN FILL SOILS | 19.55 | THORN | ROLNICK PROPERTY | ME |
| 09/01/09 | 255565 | URBIN FILL SOILS | 22.11 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258424 | URBIN FILL SOILS | 23.60 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258430 | URBIN FILL SOILS | 26.00 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258434 | URBIN FILL SOILS | 19.97 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258436 | URBIN FILL SOILS | 26.49 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258437 | URBIN FILL SOILS | 23.04 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258443 | URBIN FILL SOILS | 26.17 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258448 | URBIN FILL SOILS | 21.69 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258455 | URBIN FILL SOILS | 25.09 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258456 | URBIN FILL SOILS | 20.58 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258457 | URBIN FILL SOILS | 22.82 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258467 | URBIN FILL SOILS | 21.80 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258471 | URBIN FILL SOILS | 23.67 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258478 | URBIN FILL SOILS | 23.81 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258481 | URBIN FILL SOILS | 21.01 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258492 | URBIN FILL SOILS | 23.27 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258493 | URBIN FILL SOILS | 23.06 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258494 | URBIN FILL SOILS | 20.42 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258500 | URBIN FILL SOILS | 23.88 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258506 | URBIN FILL SOILS | 19.68 | THORN | ROLNICK PROPERTY | ME |
| 09/29/09 | 258528 | URBIN FILL SOILS | 25.26 | THORN | ROLNICK PROPERTY | ME |
| 09/09/09 | 256340 | VIRGIN PET CONT.SOIL | 6.83 | PS | I-95 MILE 225/DEP | ME |
| 09/23/09 | 257845 | WOOD | 11.26 | PTS | EPA/ROLNICK PROPERTY | ME |
| 09/10/09 | 256456 | WOOD | 9.95 | PTW | EPA/ROLNICK PROPERTY | ME |
| 09/22/09 | 257792 | WOOD ASH | 0.64 | PTS | TOWN OF HAMPDEN | ME |
| 09/14/09 | 256824 | WOOD ASH | 18.44 | WYN | TOWN OF WINTERPORT | ME |

SPECIAL WASTES - MONTH TOTAL (TONS): 13,436.13

SCHEDULE OF COMPLIANCE (SOC) AMENDMENT REQUIRED DATA:

| | |
|--|-------------|
| TOTAL RECEIPTS FOR MONTH (SPECIAL WASTES, CDD, FINES, ETC.): | 55,571 TONS |
| TOTAL RECEIPTS FOR MONTH (FEPR): | 7,141 TONS |
| FEPR (%): | 13.00% |

**EDYTHE L. DYER LIBRARY
BOARD OF TRUSTEES
MINUTES
October 14, 2009**

A-4-C

Members present: Debbie Lozito (ex officio), Don Desmarais, Richard Jenkins, Tony Mourkas, Dave Barrett, Mary Ann Bjorn, Ruth Stearns, Mark Russell and Yvonne Lambert.

Members absent: Fred Jones, John Skehan, Judy Beebe and Cheri Condon.

Meeting called to order at 7:45 a.m.

Minutes of the September 9, 2009 meeting were read. Motion was made and seconded to accept the minutes as read. All were in favor.

The Endowment report was well received and Bill Arata will be invited to attend the November meeting to give his annual state of the endowment fund report.

Under Old Business: The request by a patron concerning memorial plates on the brick pillars was considered a second time and was turned down by the Board.

Under New Business: The November Board meeting was set for November 18 at 7:30 a.m. The date for the Annual Endowment Fund Reception was set for December 3. Yvonne Lambert and Mary Ann Bjorn will contact Judy Beebe and make arrangements for this event.

Motion was made to adjourn. All were in favor. Meeting adjourned at 8:20 a.m.

Respectfully submitted,

Donna Beck
Recording Secretary

A-4-d

October 22, 2009

Vicky Bryant
Maine Dept. of Environmental Protection
Solid Waste Program
17 State House Station
Augusta, Maine 04333-0017

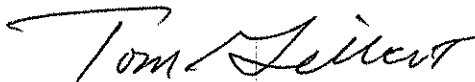
RE: Application for Disposal of Special Waste
Pine Tree Landfill

Dear Vicky:

Please find enclosed an application for disposal of treated lead-impacted soils from the EPA remediation project located in Brewer, Maine. Cyndi Darling is the MDEP Project Manager for Pine Tree Landfill and she has been provided a copy of this application.

If you should require any additional information regarding the enclosed, please feel free to contact me at 862-4200, ext.245.

Sincerely,



Tom Gilbert
Environmental Compliance Manager
Pine Tree Landfill

Encls.

CC: Cyndi Darling, MDEP
Toni King, Casella Waste Systems, Inc.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Solid Waste Program
17 State House Station
Augusta, Maine 04333-0017
Telephone: (207) 287-2651

| | | |
|-------------------------|------------|--|
| FOR DEP USE ONLY | | |
| ATS ID: _____ | Seq: _____ | DEP ID: _____ |
| Bureau: <u>S</u> | | Type of Application: <u>WS or WT or WU</u> |
| Activity: <u>N</u> | | Fees Paid: _____ |
| Project Analyst: _____ | | Check No.: _____ |

APPLICATION FOR DISPOSAL OF SPECIAL WASTE

This form shall be used to request approval, pursuant to 38 MRSA, Section 1301 et seq., and Maine's Solid Waste Management Regulations, for the disposal of special waste.

PLEASE TYPE OR PRINT

Company Name: **New England Waste Services of ME, Inc.** Telephone: **207-862-4200**
Db a Pine Tree Landfill

Contact Person: **Tom Gilbert** Telephone: **207-862-4200, extension 245**

Address Information

Applicant Name: **New England Waste Services of ME, Inc.**

Telephone: **207-862-4200**

Contact Person: **Tom Gilbert** Telephone: **207-862-4200, ext.245**

Mailing Address: **358 Emerson Mill Road**
Hampden, Maine 04444

Street Address: **358 Emerson Mill Road**
Hampden, Maine 04444

Address: **Billing**

Name: **New England Waste Services of ME, Inc.**

Mailing Address: **358 Emerson Mill Road**
Hampden, Maine 04444

Mailing Address: **358 Emerson Mill Road**
Hampden, Maine 04444

Site/Activity Information

Project Description: **Special Waste Disposal – Onetime** Waste volume: **up to 5,000 tons**

This application is for: **Disposal of treated lead-impacted soil from the EPA Rolnick Property Site located in Brewer, Maine.**


Location: **151 South Main St., Brewer, Maine.**

SIGNATURE OF APPLICANT

By signing this application, the applicant certifies that he or she has: (1) filed a complete copy of this application in the municipal office of the municipality in which the project is located, (2) reviewed the instructions contained in this application form, and (3) reviewed the appropriate state laws that relate to the proposed project. The applicant also certifies that if this is an application for on-going disposal, he or she has: (4) published the public notice form once in a newspaper circulated in the area where the project is located, (5) sent a copy of the public notice form to the owners of property abutting the land upon which the project is located, (6) sent a copy of the public notice form to the chief municipal officer and chair of the municipal planning board of the municipality in which the project is located

I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

DATE: 10/16/09


(Tom Gilbert)

TITLE: Environmental Compliance Manager – Pine Tree Landfill

INSTRUCTIONS

1. Please refer to Chapters 400 and 405 of the "Maine Solid Waste Management Regulations" to understand the standards and requirements for the acceptance of solid waste for disposal in a landfill. If you have any questions that arise at any point during the application or review process, please contact the DEP Solid Waste Program staff.
2. Fill out the application completely. INCOMPLETE APPLICATIONS WILL BE RETURNED, CAUSING UNNECESSARY DELAYS IN THE REVIEW PROCESS.
3. Submit to the Department the application along with copies of the waste characterization results and a check for the appropriate application fee made payable to "Treasurer, State of Maine".
4. Keep a copy of this completed form for your files. This copy will be helpful in communications with the DEP staff if any questions arise during the review of a project.

PLEASE SEE ATTACHED FEE SCHEDULE TO DETERMINE THE APPLICATION FEE FOR THE
ONE TIME OR ON-GOING DISPOSAL OF SPECIAL WASTE

REQUIRED APPLICATION INFORMATION FOR THE DISPOSAL OF SPECIAL WASTE

Name and address of generator: US EPA Region 1
1 Congress St., Suite 1100/HBR
Boston, MA 02114

1. Generator contact: Dan Wainberg
Tel: ((617) 918-1283

Maine DEP Contact: Tracy Weston
Tel: (207) 287-4862

2. Material proposed for disposal: Treated lead-impacted soil
3. Volume proposed for disposal: Volume estimated to be up to 5,000 tons.
4. Landfill cells to be disposed in: Phase VIII-C Closure Areas
5. Summarize the waste sampling and analysis protocol used to characterize this waste.

Following the treatment of the soil (see enclosed information on the treatment process), one composite sample will be taken every 500 tons and the resulting composite will be analyzed for TCLP-Lead to verify that the material is classified as non-hazardous.

6. Is this waste compatible with other wastes previously disposed of in this portion of the landfill?

Yes, this type of waste material is compatible with other special wastes already being accepted at Pine Tree Landfill on a regular basis.

7. Is this waste compatible with the landfill design characteristics?

Yes, Pine Tree Landfill is a secure lined facility designed to accept contaminated soils and other special wastes.

8. Does this waste possess any corrosive or reactive properties that could affect landfill components?

Prescreening of the soils as part of the initial site investigation did not indicate any corrosive or reactive properties outside of the landfill acceptance criteria.

9. Does this waste possess any grain size or soil binding properties that could clog the leachate collection system?

No, this waste would not possess any properties that could clog the leachate system.

11. What is the water content of the waste?
Will this cause the leachate collection system to become overloaded?

The moisture content of the soils will not have any significant impact on the facility's leachate collection system as the material has been stockpiled and covered on the Brewer site.

12. Is this waste stable enough to be disposed of in this portion of the landfill using standard practices?

Yes, this waste would be managed the same as other soils currently being accepted at the landfill.

13. Will any special handling procedures be used during disposal of this waste?

No special handling procedures are being proposed.

14. Will there be any additions to the current surface water and/or groundwater monitoring programs?
No, Pine Tree Landfill already has a very comprehensive groundwater-monitoring program in effect.

15. Additional information enclosed:

A.) Laboratory sample data on untreated soil

B.) Information on treatment process

C.) Application fee of \$282 enclosed

LABORATORY TEST DATA

UNTREATED SOIL

ANALYTICAL REPORT

Project Name: Rolnick Property

Lab Project #: 30858

Lab Sample #: 30858-1

Client Sample ID: SPW-01

Date Sampled: 8/11/2009 10:35 AM

Sampled By: JM

Sample Matrix: Soil

Sample Type: Composite

| Analyte | CASRN | Result | Q | Units | Method | PQL | Analyst | Date / Time Analysis |
|---|------------|--------|---|-------|--------|-------|---------|----------------------|
| Mercury - Non-aqueous | | | | | | | | |
| Mercury | 7439-97-6 | 0.18 | | mg/kg | 7471A | 0.05 | JLV | 8/12/2009 4:03 PM |
| Metals (RCRA) - non-aqueous | | | | | | | | |
| Arsenic | 7440-38-2 | 10.9 | | mg/kg | 6010B | 1.25 | VRP | 8/13/2009 5:13 PM |
| Barium | 7440-39-3 | 89.3 | | mg/kg | 6010B | 1.25 | VRP | 8/13/2009 5:13 PM |
| Cadmium | 7440-43-9 | 1.67 | | mg/kg | 6010B | 1.25 | VRP | 8/13/2009 5:13 PM |
| Chromium | 7440-47-3 | 22.6 | | mg/kg | 6010B | 1.25 | VRP | 8/13/2009 5:13 PM |
| Lead | 7439-92-1 | 4400 | | mg/kg | 6010B | 25.0 | VRP | 8/13/2009 5:26 PM |
| Selenium | 7782-49-2 | ND | | mg/kg | 6010B | 1.25 | VRP | 8/13/2009 5:13 PM |
| Silver | 7440-22-4 | ND | | mg/kg | 6010B | 1.25 | VRP | 8/13/2009 5:13 PM |
| PCBs - Non-aqueous | | | | | | | | |
| PCB-1016 | 12674-11-2 | ND | | mg/kg | 8082 | 5.00 | CR | 8/14/2009 4:02 PM |
| PCB-1221 | 11104-28-2 | ND | | mg/kg | 8082 | 5.00 | CR | 8/14/2009 4:02 PM |
| PCB-1232 | 11141-16-5 | ND | | mg/kg | 8082 | 5.00 | CR | 8/14/2009 4:02 PM |
| PCB-1242 | 53469-21-9 | ND | | mg/kg | 8082 | 5.00 | CR | 8/14/2009 4:02 PM |
| PCB-1248 | 12672-29-6 | ND | | mg/kg | 8082 | 5.00 | CR | 8/14/2009 4:02 PM |
| PCB-1254 | 11097-69-1 | ND | | mg/kg | 8082 | 5.00 | CR | 8/14/2009 4:02 PM |
| PCB-1260 | 11096-82-5 | ND | | mg/kg | 8082 | 5.00 | CR | 8/14/2009 4:02 PM |
| Percent Moisture/Percent Solid | | | | | | | | |
| Total Moisture | | 11.3 | | % | 2540G | 0.10 | AR | 8/12/2009 10:00 AM |
| pH - non-aqueous | | | | | | | | |
| Corrosivity (pH) | | 7.22 | | S.U. | 9045D | | JLV | 8/12/2009 10:47 AM |
| Semi Volatile Organics (8270C) - non-aqueous | | | | | | | | |
| Acenaphthene | 83-32-9 | ND | | mg/kg | 8270C | 0.200 | SM | 8/12/2009 12:13 PM |
| Acenaphthylene | 208-96-8 | ND | | mg/kg | 8270C | 0.200 | SM | 8/12/2009 12:13 PM |
| Aniline | 62-53-3 | ND | | mg/kg | 8270C | 0.200 | SM | 8/12/2009 12:13 PM |
| Anthracene | 120-12-7 | ND | | mg/kg | 8270C | 0.200 | SM | 8/12/2009 12:13 PM |
| Benzidine | 92-87-5 | ND | | mg/kg | 8270C | 0.500 | SM | 8/12/2009 12:13 PM |
| Benzo[a]anthracene | 56-55-3 | 0.233 | | mg/kg | 8270C | 0.200 | IR | 8/12/2009 12:13 PM |
| Benzo[b]fluoranthene | 205-99-2 | 0.445 | | mg/kg | 8270C | 0.200 | IR | 8/12/2009 12:13 PM |
| Benzo[k]fluoranthene | 207-08-9 | 0.312 | | mg/kg | 8270C | 0.200 | IR | 8/12/2009 12:13 PM |
| Benzo[g,h,i]perylene | 191-24-2 | ND | | mg/kg | 8270C | 0.200 | SM | 8/12/2009 12:13 PM |

ANDE Certification
DE NJ PAUCP (SEPTA)
City of Philadelphia

NU DE 003



PA 88-00588

DE Certification - C07DE028048
MD Certification - E22

ANALYTICAL REPORT

Project Name: Rolnick Property

Date Sampled: 8/11/2009 10:35 AM

Lab Project #: 30858

Sampled By: JM

Lab Sample #: 30858-1

Sample Matrix: Soil

Client Sample ID: SPW-01

Sample Type: Composite

| Analyte | CASRN | Result | Q | Units | Method | PQL | Analyst | Date / Time Analysis |
|--|-----------|--------|---|-------|--------|-------|---------|----------------------|
| Semi Volatile Organics (8270C) - non-aqueous | | | | | | | | |
| Benzo[a]pyrene | 50-32-8 | 0.248 | | mg/kg | 8270C | 0.200 | IR | 8/12/2009 12:13 PM |
| Benzoic Acid | 85-85-0 | ND | | mg/kg | 8270C | 0.500 | S M | 8/12/2009 12:13 PM |
| Benzyl Alcohol | 100-51-6 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| bis (2-Chloroethyl) ether | 111-44-4 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| bis (2-Chloroethoxy) methane | 111-91-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| bis (2-chloroisopropyl) ether | 108-60-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| bis (2-Ethylhexyl) phthalate | 117-81-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 4-Bromophenyl-phenylether | 101-85-3 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Butylbenzylphthalate | 85-68-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Carbazole | 86-74-8 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 4-Chloroaniline | 106-47-8 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 4-Chloro-3-methylphenol | 59-50-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2-Chloronaphthalene | 91-58-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2-Chlorophenol | 95-57-8 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 4-Chlorophenyl-phenylether | 7005-72-3 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Chrysene | 218-01-9 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Dibenz[a,h]anthracene | 53-70-3 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Dibenzofuran | 132-64-9 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Di-n-butylphthalate | 84-74-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 1,2-Dichlorobenzene | 95-50-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 1,3-Dichlorobenzene | 541-73-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 1,4-Dichlorobenzene | 106-46-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 3,3'-Dichlorobenzidine | 91-84-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2,4-Dichlorophenol | 120-83-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2,6-Dichlorophenol | 87-65-0 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Diethylphthalate | 84-66-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2,4-Dimethylphenol | 105-67-9 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Dimethylphthalate | 131-11-3 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 4,6-Dinitro-2-methylphenol | 534-52-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2,4-Dinitrophenol | 51-28-5 | ND | | mg/kg | 8270C | 0.500 | S M | 8/12/2009 12:13 PM |
| 2,4-Dinitrotoluene | 121-14-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2,6-Dinitrotoluene | 606-20-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Di-n-octylphthalate | 117-84-0 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 1,2-Diphenylhydrazine | 122-66-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Fluoranthene | 206-44-0 | 0.369 | | mg/kg | 8270C | 0.200 | IR | 8/12/2009 12:13 PM |
| Fluorene | 86-73-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |



ANALYTICAL REPORT

Project Name: Rolnick Property

Date Sampled: 8/11/2009 10:35 AM

Sampled By: JM

Lab Project #: 30858

Sample Matrix: Soil

Lab Sample #: 30858-1

Sample Type: Composite

Client Sample ID: SPW-01

| Analyte | CASRN | Result | Q | Units | Method | PQL | Analyst | Date / Time Analysis |
|--|------------|--------|---|-------|------------|-------|---------|----------------------|
| Semi Volatile Organics (8270C) - non-aqueous | | | | | | | | |
| Hexachlorobenzene | 118-74-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Hexachlorobutadiene | 87-68-3 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Hexachlorocyclopentadiene | 77-47-4 | ND | | mg/kg | 8270C | 0.500 | S M | 8/12/2009 12:13 PM |
| Hexachloroethane | 87-72-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Indeno[1,2,3-cd]pyrene | 193-39-5 | 0.256 | | mg/kg | 8270C | 0.200 | I R | 8/12/2009 12:13 PM |
| Isophorone | 78-59-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2-Methylnaphthalene | 91-57-6 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2-Methylphenol | 95-48-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 3- & 4- Methylphenol | 61378-65-5 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Naphthalene | 91-20-3 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2-Nitroaniline | 88-74-4 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 3-Nitroaniline | 99-09-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 4-Nitroaniline | 100-01-6 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Nitrobenzene | 98-96-3 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2-Nitrophenol | 88-75-5 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 4-Nitrophenol | 100-02-7 | ND | | mg/kg | 8270C | 0.500 | S M | 8/12/2009 12:13 PM |
| N-nitrosodimethylamine | 62-75-9 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| n-Nitrosodiphenylamine | 86-30-6 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| n-Nitroso-di-n-propylamine | 621-84-7 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Pentachlorophenol | 87-86-5 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Phenanthrene | 85-01-8 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Phenol | 108-95-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| Pyrene | 129-00-0 | 0.375 | | mg/kg | 8270C | 0.200 | I R | 8/12/2009 12:13 PM |
| Pyridine | 110-86-1 | ND | | mg/kg | 8270C | 0.500 | S M | 8/12/2009 12:13 PM |
| 1,2,4-Trichlorobenzene | 120-82-1 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2,4,5-Trichlorophenol | 95-95-4 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| 2,4,6-Trichlorophenol | 88-06-2 | ND | | mg/kg | 8270C | 0.200 | S M | 8/12/2009 12:13 PM |
| TCLP Mercury | | | | | | | | |
| Mercury | 7439-97-6 | ND | | mg/L | 1311/7470A | 0.001 | JL V | 8/17/2009 10:13 AM |
| TCLP Metals | | | | | | | | |
| Arsenic | 7440-38-2 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/14/2009 2:28 PM |
| Barium | 7440-39-3 | 0.34 | | mg/L | 1311/6010B | 0.05 | VR P | 8/14/2009 2:28 PM |
| Cadmium | 7440-43-9 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/14/2009 2:28 PM |
| Chromium | 7440-47-3 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/14/2009 2:28 PM |
| Lead | 7439-92-1 | 36.5 | | mg/L | 1311/6010B | 0.25 | VR P | 8/14/2009 2:30 PM |



ANALYTICAL REPORT

Project Name: Rolnick Property

Date Sampled: 8/11/2009 10:35 AM

Sampled By: JM

Lab Project #: 30858

Sample Matrix: Soil

Lab Sample #: 30858-1

Sample Type: Composite

Client Sample ID: SPW-01

| Analyte | CASRN | Result | Q | Units | Method | PQL | Analyst | Date / Time Analysis |
|--|------------|--------|---|-------|------------|-------|---------|----------------------|
| TCLP Metals | | | | | | | | |
| Selenium | 7782-49-2 | ND | | mg/L | 1311/8010B | 0.05 | VR P | 8/14/2009 2:28 PM |
| Silver | 7440-22-4 | ND | | mg/L | 1311/8010B | 0.05 | VR P | 8/14/2009 2:28 PM |
| Volatile Organics (8260B) - non-aqueous | | | | | | | | |
| Acetone | 67-64-1 | ND | | mg/kg | 8260B | 0.050 | IR | 8/12/2009 7:27 PM |
| Aerolein | 107-02-8 | ND | | mg/kg | 8260B | 0.050 | IR | 8/12/2009 7:27 PM |
| Acrylonitrile | 107-13-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Benzene | 71-43-2 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Bromobenzene | 108-86-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Bromochloromethane | 74-97-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Bromodichloromethane | 75-27-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Bromoform | 75-25-2 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| (Tribromomethane) | | | | | | | | |
| Bromomethane | 74-83-9 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 2-Butanone (MEK) | 78-93-3 | ND | | mg/kg | 8260B | 0.050 | IR | 8/12/2009 7:27 PM |
| Carbon disulfide | 75-16-0 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Carbon Tetrachloride | 56-23-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Chlorobenzene | 108-90-7 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Chloroethane | 75-00-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 2-Chloroethylvinylether | 110-75-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Chloroform | 67-68-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Chloromethane (Methyl Chloride) | 74-87-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2-Dibromo-3-chloropropane (DBCP) | 96-12-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2-Dibromoethane (EDB) | 106-93-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2-Dichlorobenzene | 95-50-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,3-Dichlorobenzene | 541-73-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,4-Dichlorobenzene | 106-46-7 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Dichlorodifluoromethane | 75-71-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,1-Dichloroethane | 75-34-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2-Dichloroethane | 107-06-2 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,1-Dichloroethene | 75-35-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| cis-1,2-Dichloroethene | 156-59-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| trans-1,2-Dichloroethene | 156-60-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2-Dichloropropane | 78-87-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| cis-1,3-Dichloropropene | 10061-01-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |



ANALYTICAL REPORT

Project Name: Rolnick Property

Date Sampled: 8/11/2009 10:35 AM

Sampled By: JM

Lab Project #: 30858

Sample Matrix: Soil

Lab Sample #: 30858-1

Sample Type: Composite

Client Sample ID: SPW-01

| Analyte | CASRN | Result | Q | Units | Method | PQL | Analyst | Date / Time Analysis |
|---|------------|--------|---|-------|--------|-------|---------|----------------------|
| Volatile Organics (8260B) - non-aqueous | | | | | | | | |
| trans-1,3-Dichloropropene | 10061-02-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Ethylbenzene | 100-41-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Hexachlorobutadiene | 87-68-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 2-Hexanone | 591-78-6 | ND | | mg/kg | 8260B | 0.050 | IR | 8/12/2009 7:27 PM |
| Isopropylbenzene (Cumene) | 98-82-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Methyl tert-butyl ether (MTBE) | 1634-04-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Methylene Chloride (Dichloromethane) | 75-09-2 | ND | | mg/kg | 8260B | 0.010 | IR | 8/12/2009 7:27 PM |
| tert-Butyl alcohol (TBA) | 75-65-0 | ND | | mg/kg | 8260B | 0.050 | IR | 8/12/2009 7:27 PM |
| 1,1,2,2-Tetrachloroethane | 79-34-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 4-methyl-2-pentanone (MIBK) | 106-10-1 | ND | | mg/kg | 8260B | 0.050 | IR | 8/12/2009 7:27 PM |
| Tetrachloroethene (PCE) | 127-18-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Toluene | 106-88-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,1,1-Trichloroethane | 71-55-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,1,2-Trichloroethane | 79-00-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Dibromomethane | 74-95-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Trichlorofluoromethane | 75-69-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Vinyl acetate | 108-05-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Vinyl Chloride | 75-01-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Xylenes, Total | 1330-20-7 | ND | | mg/kg | 8260B | 0.015 | IR | 8/12/2009 7:27 PM |
| Naphthalene | 91-20-3 | ND | | mg/kg | 8260B | 0.020 | IR | 8/12/2009 7:27 PM |
| Nitrobenzene | 98-95-3 | ND | | mg/kg | 8260B | 0.050 | IR | 8/12/2009 7:27 PM |
| Styrene | 100-42-5 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2,4-Trichlorobenzene | 120-82-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2,3-Trichloropropane (TCP) | 96-15-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Trichloroethene (TCE) | 79-01-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Dibromochloromethane | 124-48-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| n-Butylbenzene | 104-81-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| sec-Butylbenzene | 135-98-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| t-Amyl methyl ether (TAME) | 994-05-8 | ND | | mg/kg | 8260B | 0.010 | IR | 8/12/2009 7:27 PM |
| tert-Butylbenzene | 98-08-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,3-Dichloropropane | 142-28-9 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 4-Chlorotoluene | 106-43-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 2-Chlorotoluene | 95-49-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |



ANALYTICAL REPORT

Project Name: Rolnick Property

Date Sampled: 8/11/2009 10:35 AM

Lab Project #: 30858

Sampled By: JM

Lab Sample #: 30858-1

Sample Matrix: Soil

Client Sample ID: SPW-01

Sample Type: Composite

| Analyte | CASRN | Result | Q | Units | Method | PQL | Analyst | Date / Time Analysis |
|---|----------|--------|---|-------|--------|-------|---------|----------------------|
| Volatile Organics (8260B) - non-aqueous | | | | | | | | |
| 2,2-Dichloropropane | 590-20-7 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Diisopropyl ether (DIPE) | 108-20-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,1-Dichloropropene | 563-58-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Ethyl Ether | 60-29-7 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Hexachloroethane | 67-72-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Ethyl tert-butyl ether (ETBE) | 637-92-3 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Iodomethane | 74-88-4 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| n-Propylbenzene | 103-85-1 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| p-Isopropyltoluene | 99-87-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| Tetrahydrofuran | 109-99-9 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2,3-Trichlorobenzene | 87-61-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,2,4-Trimethylbenzene | 95-83-6 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |
| 1,3,5-Trimethylbenzene | 108-67-8 | ND | | mg/kg | 8260B | 0.005 | IR | 8/12/2009 7:27 PM |

Darsh Mehmood

Akhter Mehmood

Lab Director



ANALYTICAL REPORT

Project Name: Rolnick Property

Date Sampled: 8/21/2009 11:39 AM

Lab Project #: 30991

Sampled By: JM

Lab Sample #: 30991-4

Sample Matrix: Soil

Client Sample ID: 28805-0007-004

Sample Type: Composite

| Analyte | CASRN | Result | Q | Units | Method | PQL | Analyst | Date / Time Analysis |
|---------------------------------------|------------|--------|---|-------|------------|-------|---------|----------------------|
| PCBs - Non-aqueous | | | | | | | | |
| PCB-1018 | 12674-11-2 | ND | | mg/kg | 8082 | 1.00 | C R | 8/25/2009 5:55 PM |
| PCB-1221 | 11104-28-2 | ND | | mg/kg | 8082 | 1.00 | C R | 8/25/2009 5:55 PM |
| PCB-1232 | 11141-16-5 | ND | | mg/kg | 8082 | 1.00 | C R | 8/25/2009 5:55 PM |
| PCB-1242 | 53469-21-9 | ND | | mg/kg | 8082 | 1.00 | C R | 8/25/2009 5:55 PM |
| PCB-1248 | 12672-29-6 | ND | | mg/kg | 8082 | 1.00 | C R | 8/25/2009 5:55 PM |
| PCB-1254 | 11097-69-1 | ND | | mg/kg | 8082 | 1.00 | C R | 8/25/2009 5:55 PM |
| PCB-1260 | 11096-82-5 | ND | | mg/kg | 8082 | 1.00 | C R | 8/25/2009 5:55 PM |
| Percent Moisture/Percent Solid | | | | | | | | |
| Total Moisture | | 11.1 | | % | 2540G | 0.10 | A R | 8/24/2009 2:35 PM |
| TCLP Mercury | | | | | | | | |
| Mercury | 7439-97-6 | ND | | mg/L | 1311/7470A | 0.001 | JL V | 8/26/2009 10:35 AM |
| TCLP Metals | | | | | | | | |
| Arsenic | 7440-38-2 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/24/2009 12:57 PM |
| Barium | 7440-39-3 | 0.21 | | mg/L | 1311/6010B | 0.05 | VR P | 8/24/2009 12:57 PM |
| Cadmium | 7440-43-9 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/24/2009 12:57 PM |
| Chromium | 7440-47-3 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/24/2009 12:57 PM |
| Lead | 7439-92-1 | 12.6 | | mg/L | 1311/6010B | 0.10 | VR P | 8/24/2009 1:02 PM |
| Selenium | 7782-49-2 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/24/2009 12:57 PM |
| Silver | 7440-22-4 | ND | | mg/L | 1311/6010B | 0.05 | VR P | 8/24/2009 12:57 PM |

Akhter Mahmood

Akhter Mahmood

Lab Director



ANALYTICAL REPORT

Methodology

All analyses are adapted from one or more of the following reference methods:

- "Guidelines Establishing Test Procedures for the Analysis of Pollutants" Code of Federal Regulations, Vol. 40, Part 136
- "Test Methods for Evaluating Solid Waste", SW846 Third Edition, September 1986, USEPA.
- Code of Federal Regulations Vol. 40, Part 261, "Appendix II Method 1311 Toxicity Characteristic Leaching Procedure."
- Standard Methods for the Examination of Water and Wastewater", 20th edition
- "Methods for the Chemical Analysis of Water and Wastes", EPA600/4-79-020, March 1983, U.S. EPA, EMSL
- "Annual Book of Standards, Section 11-Water", American Society for Testing and Materials (ASTM)
- "Methods for the Determination of Organic Compounds in Drinking Water", EPA 600/4-88/039, December 1988

Qualifiers

| | | | |
|---|--------------------------------|---|---|
| B | Compound found in Method Blank | E | Estimated Concentration Outside Calibration Limit |
| | | J | Compound detected below PQL, result estimated |

Abbreviations

| | | | |
|------------|-------------------------------------|----------|-------------------------------------|
| ppm | Parts Per Million (mg/kg or mg/L) | PQL | Practical Quantitation Level |
| ppb | Parts Per Billion (ug/kg or ug/L) | attached | Subcontract Lab Report Attached |
| g | gram (1000 g = 1Kg) | > | Greater than the PQL |
| kg | kilogram (1 kg = 1000 g) | < | Less than the PQL |
| mg | milligram (1000 mg = 1 g) | ND | Not Detected |
| mg/kg | milligram per kilogram (ppm) | NA | Not Applicable |
| ug/kg | microgram per kilogram (ppb) | NS | Not Spiked |
| ug | microgram (1000 ug = 1 mg) | NP | No PCB pattern detected |
| L | liter (1 L = 1000 mL) | NR | Not Requested |
| ml | milliliter (1000 ml = 1 L) | NI | Not Ignitable |
| ul | microliter (1000 ul = 1 ml) | NFL | No Free Liquid |
| mg/L | milligram per liter (ppm) | NTU | Nephelometric Turbidity Units |
| ug/L | microgram per liter (ppb) | S.U. | Standard Unit |
| ng/kg | nanogram per kilogram | RPD | Relative Percent Difference |
| BTU/lb | British Thermal Units per pound | RSD | Relative Standard Deviation |
| CFU/mL | Colony Forming Units per milliliter | MS/MSD | Matrix Spike/Matrix Spike Duplicate |
| MPN/100 ml | Most Probable Number per 100 mL | LCS | Laboratory Control Sample |
| mS/cm | milli Siemens per centimeter | BS | Blank Spike (Method Spike) |
| uS/cm | micro Siemens per centimeter | o F | degrees Fahrenheit |
| ug/sq cm | microgram per square centimeter | o C | degrees Celsius |
| ug/sq ft | microgram per square feet | umhos | Conductivity Units |
| ug/wipe | microgram per wipe | ohms | Resistivity Units |

Note: All non-aqueous samples, with the exception of oils, wipes, and paint chips are dry weight corrected



SOIL TREATMENT DATA



Capitol Environmental Services, Inc 200 Biddle Avenue, Suite 205 Newark, DE 19702 Office 302-239-5636

On-Site Stabilization of Lead-Impacted Soils - Rolnick Property - Brewer, ME Technical Approach

Treatment Contractor

Soil Solutions LLC Treatment Technologies (SSTT)

21 Highcroft Way

Hopkinton, MA 01748-1290

Tel. (508) 497-0030

Fax. (508) 497-0032

Owner: David A. Quelle

Site Project Manager: Timothy C. Jones, Cell (978) 490-4268

Introduction

The treatment process for stockpiled lead-impacted soils at the Rolnick Property in Brewer, ME will use a proprietary blend of compounds to treat approximately 3,000 tons of TCLP-lead impacted soils to RCRA non-hazardous levels. Our initial bench-scale testing has determined the most effective compounds to effectively stabilize the soils to less than RCRA toxicity levels for lead as measured by TCLP. All of our compounds are either patented products specifically designed for metals treatment, or are mixtures of standard commodity products that have been successfully used for treatment and recognized by EPA as a Best Demonstrated Available Technology (BDAT). Our bench-scale testing identified TCLP Pb baseline values significantly higher than EPA data provided for the RFP (195 mg/L –back-pile, 66.8 mg/L –front pile), and our dose has been set accordingly.

Soil Stabilization and Processing Approach

The approach to stabilization of soil is based upon converting the existing leachable elemental lead compounds to more stable, nontoxic, insoluble lead minerals and hydroxide compounds. The compounds formed are engineered to be non-leaching under conditions found in landfills, as demonstrated by TCLP analysis. The compounds are also insoluble in MEP-leaching conditions found for soil exposed to acid-rain conditions typically encountered in the Northeast. (see SSTT Project Details for Ore Hill Mine Site – Warren NH)

The resultant heavy metal compounds are found in natural settings, and are derived from elements common to natural surficial geology. Our chemical blends are applied to the surface of the waste pile and mixed thoroughly with standard excavation equipment. The chemical dose application rate can range from 1% to 5%, with typically dose in the 2.0% to 3.0% range, with a water spray to reduce the dust during mixing. The compounds will not significantly change the hardness, cohesiveness, and workability of the soil and the

net weight increase of stabilized soil is expected to be less than 3% including total water and chemical weight.

Soil Stabilization and Process Release Controls

Routes of potential exposure to lead during stabilization and processing activities will be controlled as described below:

- (1) Fugitive Dust Controls - All soil will be sprayed with water during processing in order to control fugitive dust during soil processing and stabilization operations. Stockpiles will be covered when not actively being worked.
- (2) Runoff Controls - Erosion and sediment control will include covering the piles to prevent rainwater infiltration. Erosion control will be maintained according to the facility stormwater management procedures

TCLP Verification and Disposal Characterization Analyses

The soil stabilization process is typically verified through composite TCLP analyses at one sample for every 500 tons (or as required by the disposal facility). The TCLP Action Level for Lead required for off-site disposal at a RCRA Subtitle D landfill is 5.0 mg/L and any stabilization batches that do not meet this requirement will be retreated and retested until the 5.0 mg/L criteria is reached.

Stabilization of Lead Contaminated Soil in Stockpiles

The contaminated soil that has been excavated will be placed in one stockpile. The SSTT compounds will be handled in either bulk quantities or in one-ton supersacks. Dosing will be controlled by the on-site supervisor. The compounds will be applied and thoroughly mixed with the soil at a dose rate determined in the bench scale test. The treated soil will be placed in individual 500 ton piles directly adjacent to the main stockpile. Samples will be collected to confirm the effectiveness of the lead stabilization for each pile. If verification sampling determines that additional treatment is necessary to reduce the TCLP level to less than 5.0 mg/l, the area will be remixed and resampled. If this is not successful, additional reagent will be added as needed and mixed with the soil and the soil will be resampled.

Project Schedule

The Project objective is to stabilize approximately 500 cubic yards (750 tons) per day. This will require from 20 to 50 tons of reagent, depending on dose. Confirmation sampling will be performed daily and results will be available in 36 to 48 hours.



Ore Hill Mine Site Restoration **U. S. Forest Service/Environmental** **Contractors, Inc.** **Warren, New Hampshire**

Technology: Ex-Situ: Patented Buffered Phosphate, specifically blended for SSTT, delivered in bulk by dump trailers and mixed with standard hydraulic equipment.

In-Situ: Specialized equipment to create a slurry for surficial stabilization of residuals.

Regulatory: CERCLA Removal Action—U.S. Forest Service

Type of material: Mine Tailings & Waste Rock

Contaminating metals: Lead and Zinc

Position: Treatment Technology Provider

Volume of media: 50,400 processed tons

Type: Ex-Situ Stabilization and On Site Reuse

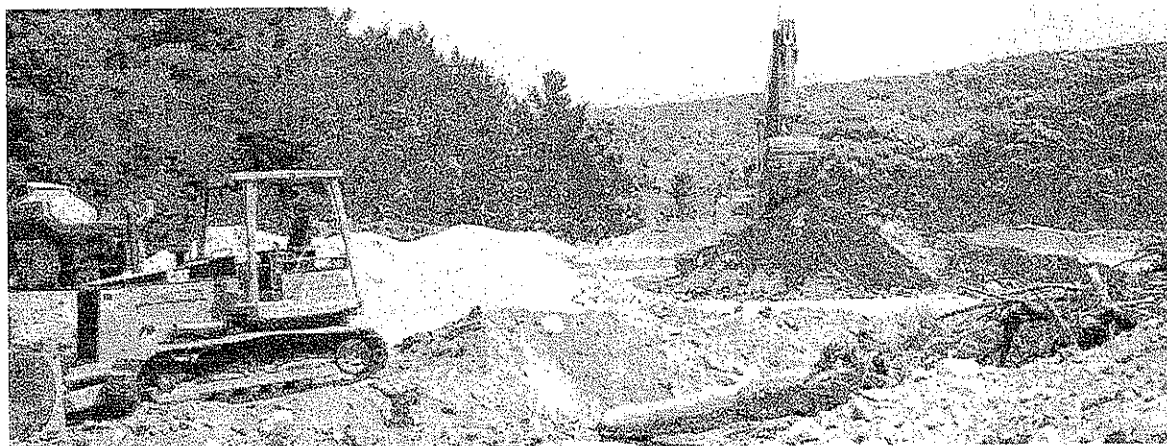
Treatment Goals (Lead & Zinc):

SPLP: <0.1 mg/l & <0.18 mg/l

MEP: <0.7 mg/l & <5.0 mg



Soil Solutions was contracted to work on the CERCLA Non-Time Critical Removal Action performed by the U.S. Forest Service (USFS) at the Ore Mine Site in Warren, NH. The project included stabilization design and pilot testing, and the excavation and ex-situ treatment of 50,400 tons of zinc- and lead-impacted mine tailings using patented dry treatment reagents. Since the material was placed in an on-site repository, treatment goals set by the USFS were in the low part per million range, designed to meet groundwater standards. Treatment success was judged by both SPLP and 10-day MEP analysis. Soil Solutions also developed a liquid reagent application to stabilize residual tailings in the 3.5 acre excavation area.



Soil Solutions, LLC.

21 Highcroft Way

Hopkinton, MA 01748

Phone: 508-497-0030

Fax: 508-497-0031

E-mail: info@soilsolutions.info

APPLICATION FEE

CASELLA WASTE SYSTEMS, INC.
P.O. BOX 866
RUTLAND, VERMONT 05702

Treasurer, State of Maine
Maine Department of Environmental
Bureau of Air Quality
17 State House Station
Augusta ME 04333-0017

THE FACE OF THIS CHECK HAS A SECURITY VOID BACKGROUND PATTERN AND MICROPRINT BORDERS - DO NOT CASH IF THE WORD VOID IS VISIBLE

casella
waste systems, inc.

CASELLA WASTE SYSTEMS, INC.
P.O. BOX 866
RUTLAND, VERMONT 05702

52-153
112

01043854
CHECK NUMBER

PAY TO THE ORDER OF **\$282.00**
ONLY

CHECK DATE
10/13/09

CHECK AMOUNT
*\$282.00

TWO HUNDRED EIGHTY-TWO DOLLARS AND ZERO CENTS

TO THE
ORDER OF
Bank of America

Treasurer, State of Maine

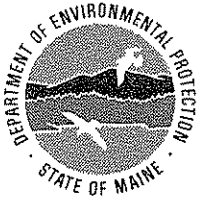
VOID OVER \$282.00

[Signature]
AUTHORIZED SIGNATURE

⑈01043854⑈ ⑆011201539⑆ 80 019 704⑈

PLEASE DETACH AT PERFORATION

| | | |
|--|------------------------------|------------------------|
| CASELLA WASTE SYSTEMS, INC. | P.O. BOX 866 | RUTLAND, VERMONT 05702 |
| CHECK NO. 01043854 | VENDOR NO. 13646 | CHECK DATE 10/13/09 |
| ***Pine Tree Hampden (207) 862-4200 | | Stub 1 of 1 |
| 100809 CR | 100809 APPL FOR TREATED SOIL | 282.00 |
| | | 282.00 |



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

Town copy
A-4-e

IN THE MATTER OF

| | | |
|----------------------------------|---|-------------------------|
| NEWSME LANDFILL OPERATIONS, LLC |) | MAINE HAZARDOUS WASTE, |
| d/b/a PINE TREE LANDFILL |) | SEPTAGE AND SOLID WASTE |
| HAMPDEN, PENOBSCOT COUNTY, MAINE |) | MANAGEMENT ACT |
| NON-HAZARDOUS DEBRIS & SOILS |) | |
| #S-01987-WT-MH-N |) | |
| (APPROVAL WITH CONDITIONS) |) | NEW LICENSE |

Pursuant to the provisions of the *Maine Hazardous Waste, Septage and Solid Waste Management Act*, 38 M.R.S.A. §§1301 to 1319-Y, the *Solid Waste Management Rules: General Provisions*, 06-096 CMR 400 (last amended March 5, 2001) and the *Solid Waste Management Rules: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 CMR 405 (last amended June 16, 2006), the Department of Environmental Protection ("Department") has considered the application of NEWSME LANDFILL OPERATIONS, LLC ("NEWSME" or "Applicant"), with all supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

1 APPLICATION SUMMARY

- A. Application: The applicant has applied for the onetime disposal of approximately 25,000 tons of dredge spoils contaminated with coal tar.
- B. History: The applicant operates the Pine Tree solid waste disposal landfill facility in Hampden, Maine for the disposal of municipal and industrial solid waste.
- C. Summary of Proposal: NEWSME requests approval for the onetime disposal of approximately 25,000 tons of dredge spoils contaminated with coal tar. The material will be generated by the City of Bangor during the remediation of a former manufactured gas plant (MGP) facility located on the west bank of the Penobscot River in Bangor, Maine.

2. SAMPLING AND ANALYSIS PLAN

Numerous samples of the proposed waste were collected and analyzed for TCLP metals, semi-volatiles, herbicides and pesticides, PCBs, total metals, volatiles and semi-volatiles, flashpoint and percent moisture. The only constituent of concern present in appreciable levels was benzene (1010 ug/kg). None of the analyzed samples exceeded any of the TCLP limits for disposal in the landfill. The applicant proposed to sample the waste at a rate of one sample for every 2,000 tons and analyze the waste for TCLP-benzene.

Department staff comments that neither the Department nor the United States Environmental Protection Agency regulates MGP waste as a hazardous waste based on

| | | |
|----------------------------------|---|-------------------------|
| NEWSME LANDFILL OPERATIONS, LLC | 2 | MAINE HAZARDOUS WASTE, |
| d/b/a PINE TREE LANDFILL |) | SEPTAGE AND SOLID WASTE |
| HAMPDEN, PENOBSCOT COUNTY, MAINE |) | MANAGEMENT ACT |
| NON-HAZARDOUS DEBRIS & SOILS |) | |
| #S-01987-WT-MH-N |) | |
| (APPROVAL WITH CONDITIONS) |) | NEW LICENSE |

benzene levels. Staff further comments that an adequate number of samples of the proposed waste have been collected and analyzed, demonstrating that the proposed waste is not hazardous by characteristic, and that no further sampling and analysis of the waste is necessary prior to disposal in the Pine Tree Landfill.

The Department finds that the applicant has adequately sampled and analyzed the proposed waste, has demonstrated that the waste is non-hazardous and that no further sampling and analysis of the proposed waste is required prior to disposal.

3. WASTE HANDLING PROCEDURES

The dredged material will be stockpiled onshore for dewatering, mixed with an absorbent media (Quik-Solid 50®) and transported to the landfill for disposal. The applicant has submitted a Material Safety Data Sheet for the Quik-Solid 50® demonstrating that it is non-hazardous. The applicant proposed placing the waste in Phase VIII-C of the Pine Tree Landfill, stating that while the waste does have soil binding properties that could clog the leachate collection system, the waste will not be placed in direct contact with leachate collection system. No additional special handling procedures will be implemented during the disposal of the waste.

The Department finds that the applicant has made adequate provisions for handling the waste, provided the waste is not disposed of in direct contact with the leachate collection system of the landfill.

BASED on the above Findings of Fact, and subject to the Conditions listed below, the Department makes the following CONCLUSION:

The disposal of approximately 25,000 tons of dredge spoils contaminated with coal tar, as proposed by of NEWSME LANDFILL OPERATIONS, LLC, will not pollute any waters of the state, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance, provided the waste is not disposed of in direct contact with the leachate collection system of the landfill

THEREFORE, the Department APPROVES the noted application of NEWSME LANDFILL OPERATIONS, LLC, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. The Standard Conditions of Approval, a copy attached as Appendix A.

NEWSME LANDFILL OPERATIONS, LLC 3 MAINE HAZARDOUS WASTE,
d/b/a PINE TREE LANDFILL) SEPTAGE AND SOLID WASTE
HAMPDEN, PENOBSCOT COUNTY, MAINE) MANAGEMENT ACT
NON-HAZARDOUS DEBRIS & SOILS)
#S-01987-WT-MH-N)
(APPROVAL WITH CONDITIONS)) NEW LICENSE

2. The invalidity or unenforceability of any provision, or part thereof, of this license shall not affect the remainder of the provision or any other provision. This license shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.
3. The waste shall not be disposed of in direct contact with the leachate collection system of the landfill.

DONE AND DATED AT AUGUSTA, MAINE, THIS 15TH DAY

OF OCTOBER, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: MR [Signature] FOR

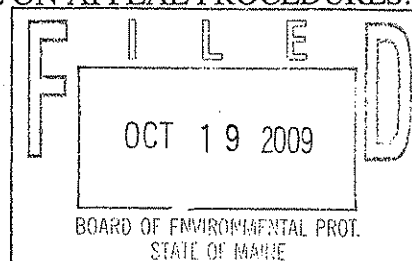
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

Date of initial receipt of application: 09/08/2009.

Date of application acceptance: 09/09/2009.

Date filed with Board of Environmental Protection:



This Order prepared by Michael T. Parker, Bureau of Remediation and Waste Management.

XMP70552/dlb

Appendix A

STANDARD CONDITIONS TO ALL SOLID WASTE FACILITY LICENSES

STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR APPROVAL. VIOLATIONS OF THE CONDITIONS UNDER WHICH A LICENSE IS ISSUED SHALL CONSTITUTE A VIOLATION OF THAT LICENSE, AGAINST WHICH ENFORCEMENT ACTION MAY BE TAKEN, INCLUDING REVOCATION.

1. **Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the licensee. Any consequential variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
2. **Compliance with All Applicable Laws.** The licensee shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. **Compliance with All Terms and Conditions of Approval.** The licensee shall submit all reports and information requested by the Department demonstrating that the licensee has complied or will comply with all terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
4. **Transfer of License.** The licensee may not transfer the solid-waste facility license or any portion thereof without approval of the Department.
5. **Initiation of Construction or Development Within Two Years.** If the construction or operation of the solid waste facility is not begun within two years of issuance or within 2 years after any administrative and judicial appeals have been resolved, the license lapses and the licensee must reapply to the Department for a new license unless otherwise approved by the Department.
6. **Approval Included in Contract Bids.** A copy of the approval must be included in or attached to all contract bid specifications for the solid waste facility.
7. **Approval Shown to Contractors.** Contractors must be shown the license by the licensee before commencing work on the solid waste facility.
8. **Background of key individuals.** A licensee may not knowingly hire as an officer, director or key solid waste facility employee, or knowingly acquire an equity interest or debt interest in, any person convicted of a felony or found to have violated a State or federal environmental law or rule without first obtaining the approval of the Department.
9. **Fees.** The licensee must comply with annual license and annual reporting fee requirements of the Department's rules.

ADDITIONAL STANDARD CONDITIONS FOR
SOLID WASTE DISPOSAL FACILITIES

10. Recycling and Source Reduction Determination for Solid Waste Disposal Facilities. This condition does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling.

The solid waste disposal facility shall only accept solid waste that is subject to recycling and source reduction programs, voluntary or otherwise, at least as effective as those imposed by 38 MRSA Chapter 13.

11. Deed Requirements for Solid Waste Disposal Facilities. Whenever any lot of land on which an active, inactive, or closed solid waste disposal facility is located is being transferred by deed, the following must be expressly stated in the deed:

- A. The type of facility located on the lot and the dates of its establishment and closure.
- B. A description of the location and the composition, extent, and depth of the waste deposited.
- C. The disposal location coordinates of asbestos wastes must be identified.



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: January 2004

Contact: (207) 287-2811

SUMMARY

One of two methods is available to an aggrieved person for appealing a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner -- in an administrative process before the Board of Environmental Protection ("Board") or a judicial process before Maine's Superior Court. This FACT SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, will assist aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeals. A failure to file an appeal within the identified time periods will result in the Commissioner's decision becoming final.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24.

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes and photocopies are not acceptable. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

An appeal must contain the following information:

1. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
2. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
3. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
4. *All the matters to be contested.* As part of the appeal, the Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

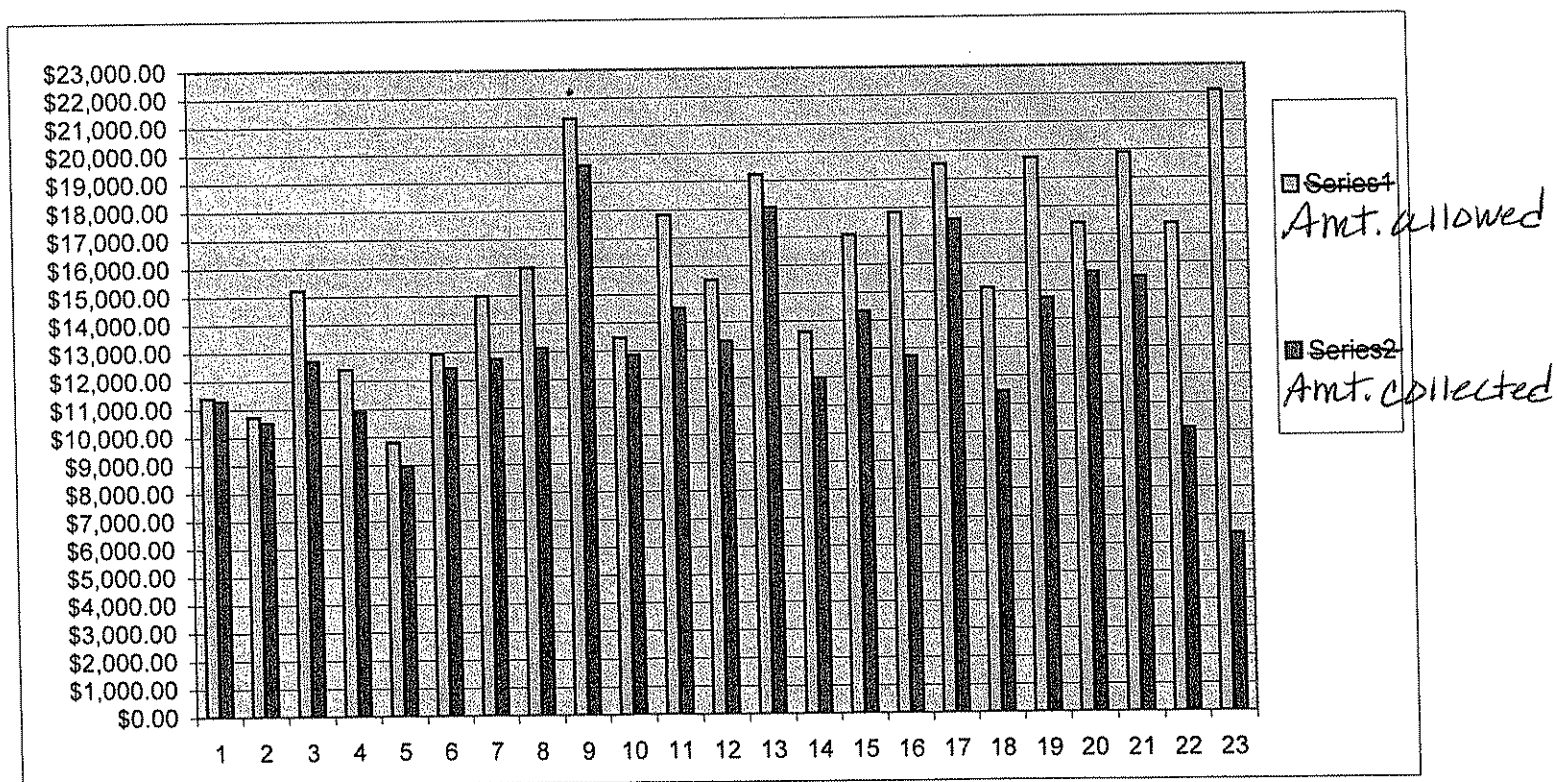
ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

| MONTH | #RUNS | AMOUNT BILLED | AMOUNT ALLOWED | AMOUNT COLLECTED | AMOUNT OUTSTANDING | PERCENT COLLECTED |
|---------------|-------|------------------|-------------------|---------------------|-----------------------|----------------------|
| MAY '07 | 33 | \$17,165.00 | \$11,390.94 | \$11,296.09 | \$94.85 | 99.17 |
| SEPTEMBER '07 | 30 | \$14,965.00 | \$10,713.21 | \$10,513.21 | \$200.00 | 98.13 |
| JANUARY '08 | 25 | \$21,090.00 | \$15,228.44 | \$12,703.62 | \$2,524.82 | 83.42 |
| FEBRUARY '08 | 36 | \$14,685.00 | \$12,412.26 | \$10,907.26 | \$1,505.00 | 87.87 |
| MARCH '08 | 30 | \$12,360.00 | \$9,795.87 | \$8,965.87 | \$830.00 | 91.53 |
| APRIL '08 | 36 | \$17,015.00 | \$12,945.00 | \$12,444.64 | \$500.36 | 96.13 |
| MAY '08 | 46 | \$23,860.00 | \$14,999.55 | \$12,752.55 | \$2,247.00 | 85.02 |
| JUNE '08 | 36 | \$23,519.00 | \$15,997.86 | \$13,136.86 | \$2,861.00 | 82.12 |
| JULY '08 | 51 | \$31,591.00 | \$21,281.87 | \$19,610.87 | \$1,671.00 | 92.15 |
| AUG '08 | 41 | \$23,728.00 | \$13,480.08 | \$12,865.76 | \$614.32 | 95.44 |
| SEPT '08 | 39 | \$23,053.00 | \$17,831.88 | \$14,519.38 | \$3,312.50 | 81.42 |
| OCT '08 | 38 | \$21,814.00 | \$15,510.82 | \$13,323.82 | \$2,187.00 | 85.90 |
| NOV '08 | 45 | \$28,158.00 | \$19,230.54 | \$18,055.31 | \$1,175.23 | 93.89 |
| DEC '08 | 40 | \$23,302.00 | \$13,628.48 | \$11,981.03 | \$1,647.45 | 87.91 |
| JAN '09 | 40 | \$24,243.00 | \$17,077.05 | \$14,349.05 | \$2,728.00 | 84.03 |
| FEB '09 | 40 | \$23,858.00 | \$17,845.45 | \$12,726.94 | \$5,118.51 | 71.32 |
| MAR '09 | 54 | \$27,199.00 | \$19,541.88 | \$17,572.21 | \$1,969.67 | 89.92 |
| APRIL '09 | 40 | \$21,312.00 | \$15,142.30 | \$11,454.94 | \$3,687.36 | 75.65 |
| MAY '09 | 54 | \$27,885.00 | \$19,742.74 | \$14,768.19 | \$4,974.55 | 74.80 |
| JUNE '09 | 42 | \$24,761.00 | \$17,412.68 | \$15,664.82 | \$1,747.86 | 89.96 |
| JULY '09 | 47 | \$26,216.00 | \$19,903.26 | \$15,506.44 | \$4,396.82 | 77.91 |
| AUG '09 | 37 | \$20,784.00 | \$17,389.19 | \$10,095.00 | \$7,294.19 | 58.05 |
| SEPT '09 | 44 | \$24,133.00 | \$22,088.39 | \$6,348.54 | \$15,739.85 | 28.74 |

| | | | | | | |
|-------|-----|--------------|--------------|--------------|-------------|-------|
| TOTAL | 924 | \$516,696.00 | \$370,589.74 | \$301,562.40 | \$29,217.04 | 81.37 |
|-------|-----|--------------|--------------|--------------|-------------|-------|



October 26, 2009

AMBULANCE COLLECTION WORKSHEET

FISCAL YEAR STATUS

| MONTH | #RUNS | AMOUNT BILLED | AMOUNT ALLOWED | AMOUNT COLLECTED | AMOUNT OUTSTANDING | PERCENT COLLECTED |
|------------------|-------|------------------|-------------------|---------------------|-----------------------|----------------------|
| 2007-2008 | | | | | | |
| SEPTEMBER | 30 | \$ 14,965.00 | \$ 10,713.21 | \$ 10,513.21 | \$ 200.00 | 98.13 |
| JANUARY | 25 | \$ 21,090.00 | \$ 15,228.44 | \$ 12,703.62 | \$ 2,524.82 | 83.42 |
| FEBRUARY | 36 | \$ 14,685.00 | \$ 12,412.26 | \$ 10,907.26 | \$ 1,505.00 | 87.87 |
| MARCH | 30 | \$ 12,360.00 | \$ 9,795.87 | \$ 8,965.87 | \$ 830.00 | 91.53 |
| APRIL | 36 | \$ 17,015.00 | \$ 12,945.00 | \$ 12,444.64 | \$ 500.36 | 96.13 |
| MAY | 46 | \$ 23,860.00 | \$ 14,999.55 | \$ 12,752.55 | \$ 2,247.00 | 85.02 |
| JUNE | 36 | \$ 23,519.00 | \$ 15,997.86 | \$ 13,136.86 | \$ 2,861.00 | 82.12 |
| TOTAL | 239 | \$ 127,494.00 | \$ 92,092.19 | \$ 81,424.01 | \$ 10,668.18 | 88.42 |
| 2008-2009 | | | | | | |
| JULY | 51 | \$ 31,591.00 | \$ 21,281.87 | \$ 19,610.87 | \$ 1,671.00 | 92.15 |
| AUGUST | 41 | \$ 23,728.00 | \$ 13,480.08 | \$ 12,865.76 | \$ 614.32 | 95.44 |
| SEPTEMBER | 39 | \$ 23,053.00 | \$ 17,831.88 | \$ 14,519.38 | \$ 3,312.50 | 81.42 |
| OCTOBER | 38 | \$ 21,924.00 | \$ 15,510.82 | \$ 13,323.82 | \$ 2,187.00 | 85.90 |
| NOVEMBER | 45 | \$ 28,158.00 | \$ 19,230.54 | \$ 18,055.31 | \$ 1,175.23 | 93.89 |
| DECEMBER | 40 | \$ 23,302.00 | \$ 13,628.48 | \$ 11,981.03 | \$ 1,647.45 | 87.91 |
| JANUARY | 40 | \$ 24,243.00 | \$ 17,077.05 | \$ 14,349.05 | \$ 2,728.00 | 84.03 |
| FEBRUARY | 40 | \$ 23,858.00 | \$ 17,845.45 | \$ 12,726.94 | \$ 5,118.51 | 71.32 |
| MARCH | 54 | \$ 27,199.00 | \$ 19,541.88 | \$ 17,572.21 | \$ 1,969.67 | 89.92 |
| APRIL | 40 | \$ 21,312.00 | \$ 15,142.30 | \$ 11,454.94 | \$ 3,687.36 | 75.65 |
| MAY | 54 | \$ 27,885.00 | \$ 19,742.74 | \$ 14,768.19 | \$ 4,974.55 | 74.80 |
| JUNE | 42 | \$ 24,761.00 | \$ 17,412.68 | \$ 15,664.82 | \$ 1,747.86 | 89.96 |
| TOTAL | 524 | \$ 301,014.00 | \$ 207,725.77 | \$ 176,892.32 | \$ 30,833.45 | 85.16 |
| 2009-2010 | | | | | | |
| JULY | 47 | \$ 26,216.00 | \$ 19,903.26 | \$ 15,506.44 | \$ 4,396.82 | 77.91 |
| AUGUST | 37 | \$ 20,784.00 | \$ 17,389.19 | \$ 10,095.00 | \$ 7,294.19 | 58.05 |
| SEPTEMBER | 44 | \$ 24,133.00 | \$ 22,088.39 | \$ 6,348.54 | \$ 15,739.85 | 28.74 |
| TOTAL | 128 | \$ 71,133.00 | \$ 59,380.84 | \$ 31,949.98 | \$ 27,430.86 | 53.81 |

October 26, 2009

AMBULANCE COLLECTION WORKSHEET

CURRENT YEAR STATUS

| MONTH 2009 | #RUNS | AMOUNT BILLED | AMOUNT ALLOWED | AMOUNT COLLECTED | AMOUNT OUTSTANDING | PERCENT COLLECTED |
|---------------|---------|------------------|-------------------|---------------------|-----------------------|----------------------|
| JANUARY | 40 | \$24,243.00 | \$17,077.05 | \$14,349.05 | \$2,728.00 | 84.03 |
| FEBRUARY | 40 | \$23,858.00 | \$17,845.45 | \$12,726.94 | \$5,118.51 | 71.32 |
| MARCH | 54 | \$27,199.00 | \$19,541.88 | \$17,572.21 | \$1,969.67 | 89.92 |
| APRIL | 40 | \$21,312.00 | \$15,142.30 | \$11,454.94 | \$3,687.36 | 75.65 |
| MAY | 54 | \$27,885.00 | \$19,742.74 | \$14,768.19 | \$4,974.55 | 74.80 |
| JUNE | 42 | \$24,761.00 | \$17,412.68 | \$15,664.82 | \$1,747.86 | 89.96 |
| JULY | 47 | \$26,216.00 | \$19,903.26 | \$15,506.44 | \$4,396.82 | 77.91 |
| AUGUST | 37 | \$20,784.00 | \$17,389.19 | \$10,095.00 | \$7,294.19 | 58.05 |
| SEPTEMBER | 44 | \$24,133.00 | \$22,088.39 | \$6,348.54 | \$15,739.85 | 28.74 |
| OCTOBER | | | | | \$0.00 | #DIV/0! |
| NOVEMBER | | | | | \$0.00 | #DIV/0! |
| DECEMBER | | | | | \$0.00 | #DIV/0! |
| TOTAL | 398 | \$220,391.00 | \$166,142.94 | \$118,486.13 | \$47,656.81 | 71.32 |

FINANCE COMMITTEE MEETING

Monday, November 9, 2009

Minutes

5:45 p.m.

Hampden Town Office

4-4-g

Attending:

Mayor Matthew Arnett
Councilor Shannon Cox
Councilor William Shakespeare
Councilor Andre Cushing III
Councilor Jean Lawlis
Councilor Thomas Brann
Town Manager Sue Lessard

1. Minutes of 10-19-2009 – **The minutes of the 10/19/09 meeting were reviewed and approved as presented. Motion by Shannon Cox, seconded by Andre Cushing, unanimous vote.**
2. Treasurer's Warrants – **The Treasurer's warrants were reviewed by Committee members. There were no questions. The warrants were declared approved as presented by Mayor Arnett.**
3. Financial Reports – October – **The Town Manager discussed the financial reports for the Town. Revenues are at or near projections in most categories, expenses are well within the allowed range for the elapsed portion of the fiscal year, and tax collections for both personal property and real estate are at or over 50% for the current tax year.**
4. Goals, Objectives Discussion Date for December – **The Committee held an informal discussion on the format for conducting a Goals and Objectives session for the Council prior to year end. It was the consensus of the committee to recommend to the full Council that a session be held on Monday, November 30th at 6 p.m. for the purpose of beginning this process. The Town Manager will distribute an update of the Goals and Objectives identified for 2009 to the Council prior to the meeting. In addition to items related to the Comprehensive Plan, the capital budget, and committee structure work Councilors identified current and future staff analysis needs, development of waterfront, new school, and businesses, relationship with the Hampden Business Association, affordable housing, communications efforts, community wellness, and community connectivity as items for discussion as part of the Goals and Objectives session. The Committee also discussed as part of the 'connectivity' issue in town the incomplete short section of no-sidewalk from Mayo Road down Western Avenue toward town. As part of this discussion the Manager informed the Council that the Economic Development Director was out for at least the current week with a back problem.**

5. Public Comments -**None**

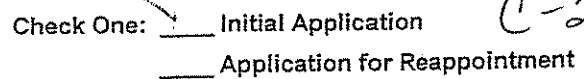
6. Committee Member Comments – **Mayor Arnett requested that a copy of the town's investment policy be distributed to the Finance Committee for review. The Town Manager also indicated that she would distribute a memo from the Economic Development Director regarding the Marina project to the Committee as an update.**

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Susan Lessard", written in black ink.

**Susan Lessard
Town Manager**



TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: WEINMANN JOHN H
LAST FIRST MI

ADDRESS: 29 FOREST KNOLL ORRINGTON ME 04474
STREET MAILING

TELEPHONE: 207-825-4591 N/A
1 HOME WORK

OCCUPATION: RETIRED

BOARD OR COMMITTEE PREFERENCE:

BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: BOARD OF DIRECTORS LURA NEIR POOL

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? TREASURER EAST ORRINGTON CONGREGATIONAL CHURCH

SECRETARY BANGOR AREA BREAKFAST ROTARY

Co-CAPTAIN 1964 BUCKNELL NCAA CHAMPIONSHIP SWIMMING TEAM

RETIRED OPERATIONS MANAGER GENERAL PARTS, INC

Are there any issues you feel this board or committee should address, or should continue to address?

3 YEAR

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE

DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: SEP 23 2009

APPOINTMENTS COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

NEW APPT _____ REAPPOINTMENT _____ DATE APPOINTMENT EXPIRES: _____

original agenda 10-1-09

C-2-2



Check One: ☐ Initial Application
☐ Application for Reappointment

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Eley Patrick J
LAST FIRST MI
ADDRESS: 55 Hindley Hill Rd Carmel ME
STREET MAILING
TELEPHONE: 458 3329 680 4735
HOME WORK
OCCUPATION: Fire Fighter Paramedic
BOARD OR COMMITTEE PREFERENCE:
FIRST CHOICE: Pool Board
SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? I have been using the pool with my daughter for about 18 months I have been in public service for 18 years I can bring my experience of using the pool and working with the community to the board.

Are there any issues you feel this board or committee should address, or should continue to address? _____

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE

3 YEAR

DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE

5 YEAR
PLANNING BOARD

| | | |
|--------------------------------------|--|---|
| FOR TOWN USE ONLY | | Date Application Received: <u>SEP 28 2009</u> |
| APPOINTMENTS COMMITTEE ACTION: _____ | | DATE: _____ |
| COUNCIL ACTION: _____ | | DATE: _____ |
| <input type="checkbox"/> NEW APPT | <input type="checkbox"/> REAPPOINTMENT | DATE APPOINTMENT EXPIRES: _____ |



Check One: ☒ Initial Application
☐ Application for Reappointment

C-2-3

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Hawkins Gregory J
LAST FIRST MI
 ADDRESS: Rawley Dr. P.O. Box 158
STREET MAILING
 TELEPHONE: 938-7060 990-7697
HOME WORK
 OCCUPATION: Pilot

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Lura Hoyt BoardSECOND CHOICE (OPTIONAL): —

How would your experience, education and/or occupation be a benefit to this board or committee? Family participates in many pool

activities. Management position at work.
Good at working out problems and
planning for the future.

Are there any issues you feel this board or committee should address, or should continue to address? future growth and working

towards being self efficient.

3 YEAR

CONSERVATION COMMITTEE
 BOARD OF ASSESSMENT REVIEW
 PERSONNEL APPEALS BOARD
 LURA HOYT MEMORIAL POOL
 ECONOMIC DEVELOPMENT COMMITTEE

DYER LIBRARY
 RECREATION COMMITTEE
 ZONING BOARD OF APPEALS
 HISTORIC PRESERVATION COMMITTEE

5 YEAR
PLANNING BOARD

FOR TOWN USE ONLY

Date Application Received: 9/15/2009

APPOINTMENTS COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



Check One: ☒ Initial Application
☐ Application for Reappointment

C-2-4

TOWN OF HAMPDEN

APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Flannery Wendy S
LAST FIRST MI

ADDRESS: 23 Evergreen Drive Hampden ME
STREET MAILING

TELEPHONE: 862-4893 cell 356-8160
HOME WORK

OCCUPATION: Social worker (not employed) (home w/children)

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Recreation Committee

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? My professional education is in the field of child development.

I have varied experiences with children - including the three children I have with my husband Brad. We have lived in Hampden since 1996 and have actively participated in many recreational programs. During that time

Are there any issues you feel this board or committee should address, or should continue to address? Hampden as a community is growing and its programming needs to grow as well. The committee should work to ensure that adult, youth, & family recreational needs are met through varied programs, development of natural recreational spaces, and a long term goal of developing a recreation center to reduce dependence upon school based facilities.

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE

3 YEAR
5 YEAR
PLANNING BOARD

DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

FOR TOWN USE ONLY

Date Application Received: _____

APPOINTMENTS COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____

I've watched Hampden continue to grow and develop as a community. As such, I think it is very important for the Recreation Committee to be continually assessing the changing community needs and evolving its long term vision to meet those needs. I have many varied committee experiences (advisory council at ELMC for pediatrics; advisory council for education of children with disabilities in Augusta; DARE Chairperson & Secretary at Weatherbee PTO (school); and coordinating and administering the fall fundraiser at Reeds Brook Middle School). I also have contact with a diverse group of parents in the Hampden community. As a recreation committee member I would try to work as a liaison to bring the feedback from the community back to the recreation dept.



Check One: ☒ Initial Application
☐ Application for Reappointment

TOWN OF HAMPDEN
APPLICATION FOR TOWN BOARDS AND COMMITTEES

NAME: Bruen Laurence W
LAST FIRST MI

ADDRESS: 213 Main Rd S
STREET MAILING

TELEPHONE: 862-6219 478-6257
HOME WORK

OCCUPATION: Arborist

BOARD OR COMMITTEE PREFERENCE:

FIRST CHOICE: Tree Board

SECOND CHOICE (OPTIONAL): _____

How would your experience, education and/or occupation be a benefit to this board or committee? _____

Arborist w/ 10+ years Exp.

Are there any issues you feel this board or committee should address, or should continue to address? _____

CONSERVATION COMMITTEE
BOARD OF ASSESSMENT REVIEW
PERSONNEL APPEALS BOARD
LURA HOIT MEMORIAL POOL
ECONOMIC DEVELOPMENT COMMITTEE

3 YEAR

DYER LIBRARY
RECREATION COMMITTEE
ZONING BOARD OF APPEALS
HISTORIC PRESERVATION COMMITTEE
TREE BOARD

5 YEAR
PLANNING BOARD

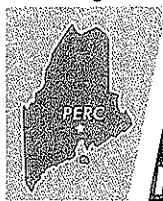
FOR TOWN USE ONLY

Date Application Received: 7/27/09

APPOINTMENTS COMMITTEE ACTION: _____ DATE: _____

COUNCIL ACTION: _____ DATE: _____

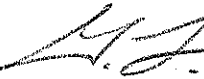
____ NEW APPT ____ REAPPOINTMENT DATE APPOINTMENT EXPIRES: _____



C-3-a

vice
ax
mail

40 Harlow Street
Bangor, ME 04401-5102

To: MRC Membership
From: Greg Louder, MRC Clerk. 
Date: November 6, 2009
RE: **MRC Board of Directors Election Ballot**

Please find enclosed a MRC Board of Directors election ballot. Ballots cast in this election will determine the election of three (3) Directors to serve on the MRC Board of Directors for three-year terms from January 1, 2010 through December 31, 2012 and (1) one Director to fill a vacancy from January 1, 2010 through December 31, 2010.

Biographical descriptions of the candidates, as provided by the candidates, are also enclosed for your information.

Ballots must be returned to MRC by 5:00 pm, December 8, 2009. A self-addressed, stamped envelope is enclosed for your convenience.

The election results will be read at the MRC Annual Meeting held on December 9, 2009. The annual meeting will be held at the Hampden Municipal Building beginning at 5:00 PM.

Note: Votes must be cast for one candidate only.

Please contact Greg Louder at 942-6389 or 800-339-6389 with any questions.

Voting Ballot

- ♦ To fill three positions for a three year term from January 1, 2010 to December 31, 2012
(3 highest vote totals)
- ♦ To fill one position created by a vacancy from January 1, 2010 to December 31, 2010
(Fourth highest vote total)

The Charter Municipality of _____ casts its vote for the following individual to serve on the Municipal Review Committee Board of Directors for the above stated term.

Note: Candidates are listed alphabetically. Biographies provided by each candidate are attached.

VOTE FOR *ONE* INDIVIDUAL ONLY

→ *More than one checked box will invalidate the ballot* ←

- ☐ Greg Brown - Waterville
- ☐ John Chisholm - Levant
- ☐ Robert W. Farrar - Bangor
- ☐ Elery Keene - Winslow

Please return this ballot no later than 5:00 p.m., DECEMBER 8th, 2008 to:

Municipal Review Committee, Inc.
40 Harlow Street
Bangor, ME 04401
Or
FAX to (207) 942-3548

**RESULTS OF THIS ELECTION WILL BE READ AT THE MRC ANNUAL MEETING
TO BE HELD DECEMBER 9th, 2009**

Biography for Greg Brown

Greg Brown is a native of Caribou Maine, a graduate of (UM) ('80), and a Licensed Professional Engineer in Maine. He has been employed by the City of Waterville as City Engineer for 12 years. Prior to his position with Waterville, he was employed for 20 years in the private sector split between consulting and construction.

Greg has been a Director of the MRC since January 2001. He was elected as Vice President of the MRC Board in January 2009.

Greg is dedicated to crafting a long term agreement between the MRC and its PERC partners that outlives the current 2018 contracts. This effort will require a thorough understanding of municipal solid waste issues as well as institutional memory and creativity.

The benefits of a renewed agreement will be continued cost effective and environmentally sound solid waste management for all MRC member communities.

Biography for John Chisholm

- 3 years on Town of Levant Budget Committee
- 7 years on the Town of Levant Board of Selectman
- 3 years as MSAD 23 Director
- 15 years service on the MRC Board of Directors
- 1 year service as Vice-President of MRC Board of Directors
- Currently serving as President of MRC Board of Directors
- Current Treasurer of the Levant Heritage Library
- Avid supporter of town government as the most effective and immediate form of democracy in America

Biography for Robert W. Farrar

- Bachelor of Arts – (Public Management) Degree – University of Maine 1979
- Master of Public Administration Degree – University of Maine 1980
- Administrative Assistant to Town Manager, Town of Brunswick, ME. 1981-1983
- Town Administrator, Town of Topsham, ME. 1983-1989
- Assistant City Manager/Human Resource Director, City of Bangor 1989 – Present
- MRC Board of Directors and Treasurer, Service Dates 1991 – Present

Biography for Elery Keene

Elery has lived in Winslow since January, 1970. He has been a member of the Winslow Planning Board since 1971. He was employed as Executive Director of the Kennebec Valley Council of Governments from November, 1969 through June of 2001. He has been a member of the PERC Municipal Review Committee since 1987, except for a one or two year period in the 1990's. He has a Bachelor's and Master's degree in civil engineering from the University of Maine and a Master's degree in Urban and Regional Planning from the University of Wisconsin. He has worked with municipalities in the Kennebec valley region on solid waste management issues since 1970.



C-3-b

TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner *RO*
SUBJECT: Bradley Wiseman Application for Addition to Historic Landmark Designation
DATE: November 9, 2009

The Council Planning and Development Committee discussed the proposed historic landmark amendment at their November 4, 2009 meeting. In this case the Thomas Penneman Stetson House is already listed as a landmark in the Historic Preservation Ordinance. The Council's role is essentially to accept the recommendation of the Historic Preservation Commission along with the accompanying documentation supporting the amendment which is unavailable for inclusion in your packet but will be available by meeting time. The Planning and Development Committee moved and voted: They reviewed the preliminary application and have no reservation about its review and potential acceptance from committees of oversight.

You will notice the cover sheet of the application contains an oblique aerial photograph (circa 1965) indicating a barn next to the Thomas Penneman Stetson House that was there from its construction in the 1930's until it collapsed and was removed in 1970. Brad Wiseman now is seeking to amend the Landmark by adding some additional land area to the landmark and adding a new building to the landmark in the form of a barn in size and shape reminiscent of the barn lost in 1970. I anticipate that the Commission will be pleased that a barn is being re-established on this site. If the Commission recommends approval of the amendment to the landmark and approves the Certificate of Appropriateness I would see no reason for the Council to deny approval of the amendment to the historic landmark.

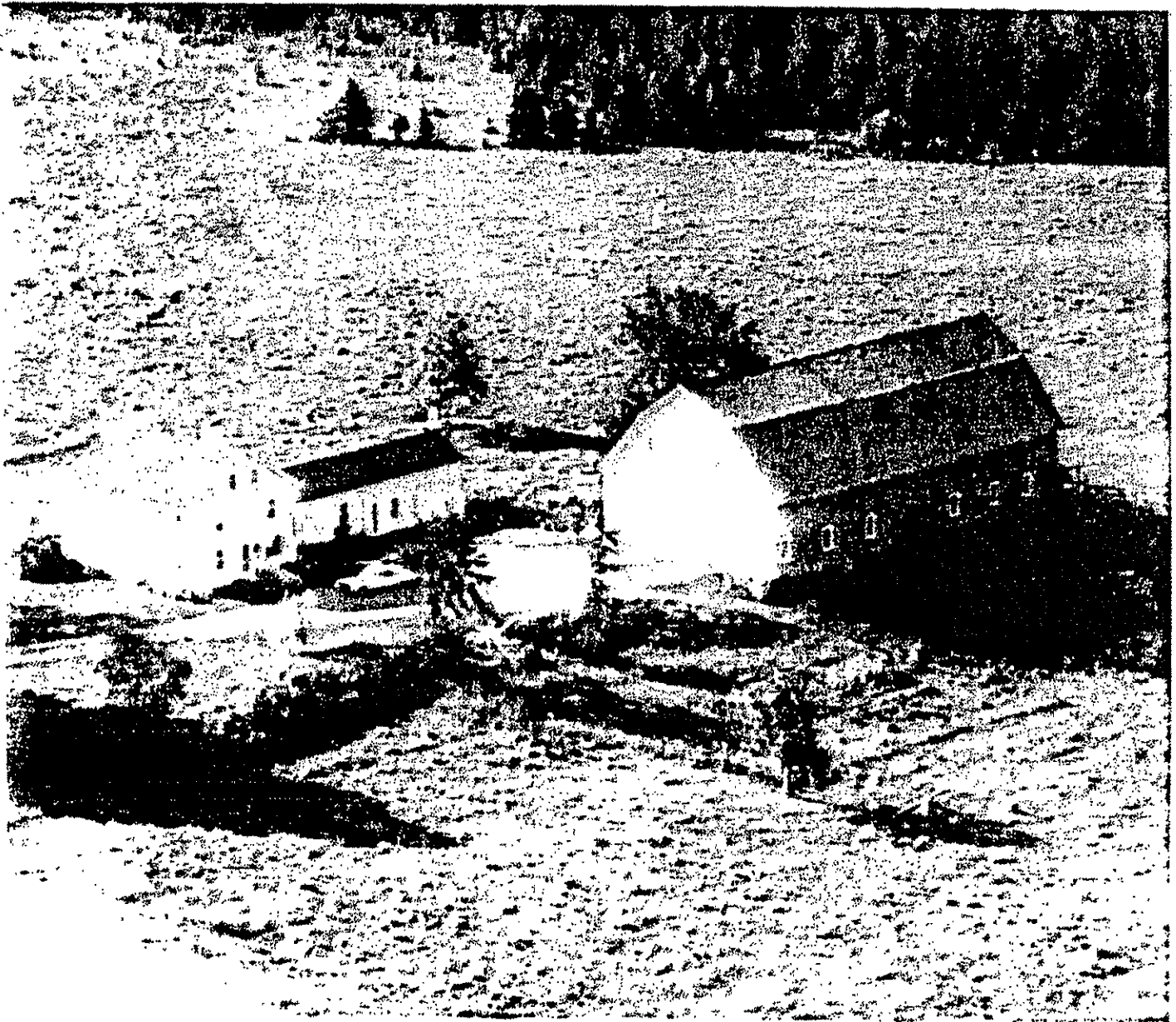
As you are aware the Town has a Historic Preservation Ordinance. Contained in that ordinance is a short list of locally designated Historic Landmarks. Thomas Penneman Stetson House was established as a Historic Landmark on May 20, 2002 at the request of Brad Wiseman. Mr. Wiseman now is seeking to amend the Thomas Penneman Stetson House Landmark.

The Historic Preservation Commission, under the rules of the Historic Preservation Ordinance, recommended to the Town Council (in 2002) that the Preservation Ordinance be amended to add the Thomas Penneman Stetson House to the list of Historic Landmarks and the Town Council amended the Ordinance to do so. The house is one of the older ones in Hampden constructed in the 1820s and the Stetson family is a prominent one in Hampden's history. The Commission and the Council were delighted that Mr. Wiseman originally came forward to request the landmark designation.

Underlying this request is the need for Mr. Wiseman's customary rural business to expand. Antiquity Tile is a customary rural business as approved by the Planning Board and under the rules of the Zoning Ordinance is entitled to utilize all of the buildings in a historic landmark rather than the 2,000 sq. ft. upper limitation for non-historic buildings. My impression of the Planning and Development Committee's discussions on customary rural businesses is that the committee supports larger businesses with some design review criteria. Here you have the opportunity to approve this request and observe it as a bit of a test case. If the Town Council approves the landmark amendment the Planning Board will be allowed to consider the request for expansion of Antiquity Tiles to utilize the new barn for storage and office area.

BRADLEY WISEMAN APPLICATION FOR
ADDITION TO HISTORIC LANDMARK DESIGNATION

October 6, 2009



APPLICATION FOR ADDITION TO HISTORIC PRESERVATION DESIGNATION

TYPE

- ☐ Historic District
- ☐ Historic Site
- ☐ Historic Landmark

Applicant: Bradley Wiseman

Date: October 6, 2009

Mailing Address: 12 Shaw Hill Road, Hampden, Maine 04444 Phone: (207) 862-3513

Location of Building/Site: 12 Shaw Hill Road, Hampden, Maine 04444

Name of Building/Site: The Wiseman Homestead

If District – List All Properties Proposed: N/A

Owner of Building/Site: Bradley Wiseman

Description of Historic Characteristics/Qualifications:

The campus of buildings on the Wiseman Homestead have been designated by the Hampden Town Council in 2002 under a Historic Landmark Designation on the recommendation of the Hampden Historic Preservation Commission. They include the Thomas Penneman Stetson house and the attached outbuildings.

Bradley H. Wiseman now seeks an amendment to the existing Historic Landmark Designation on his Shaw Hill Road property by adding the proposed barn to the Historic Landmark Designation.

The barn being proposed under this amendment application has an early nineteenth century feel with vertical shiplap siding typical of the period. Based on a photograph from 1965 of the Wiseman Homestead, we know that a large farm style barn existed on the property and was part of the campus of buildings during that timeframe. It is believed that the barn in the photograph was built in the 1930s and torn down in 1970. The proposed barn is in the approximate location and a similar orientation as the barn in that photograph.

The proposed barn measures approximately 36' by 96' which is a somewhat smaller version to the barn shown in the photograph. However, the proposed barn will restore the "working barn" component to this property and campus of buildings.

The Wiseman Homestead is located at 12 Shaw Hill Road, Hampden, Maine. Thomas Penneman Stetson was the son of Simeon Stetson and Elizabeth (Kidder) Stetson. In 1819, the Honorable Simeon Stetson was a delegate to the convention which drafted the Constitution for the proposed State of Maine, and a member of Governor Lincoln's Executive Council in 1828. Thomas Penneman Stetson married Sarah White, daughter of James White, Esq. on April 29, 1823. Shortly after their marriage, and due to Thomas' inclination for farming, Simeon gave Thomas the "Miller Farm", (now referred to as the Thomas Penneman Stetson House) where Thomas built the existing homestead and where he remained until his death in 1868. Thomas

farmed the land and kept numerous horses, oxen, cattle and swine on the property during his lifetime.

The Thomas Penneman Stetson House is one of a few survivors in Hampden. While classified as a Vernacular Federal in style, it is actually an anachronistic late colonial structure. This type of structure is unusual in its rural location because, at the time of its construction, few could afford a full high posted 2 ½ story house with two chimneys and aesthetic details such as the doorway and window trim. Also among the interior detailing are well constructed pine cupboards, and shelves and mailboxes from the days when it was a former U.S. Government Post Office. Thomas P. Stetson was the Post Master from 1855 until 1857. The primary facade width is 5 bays with a typical post and beam rear ell and subsequent additions which now house the rural business. The foundation material contains fieldstone, brick, concrete and granite. The home is distinct in scale (2 ½ stories) and quality of construction, as compared to the more utilitarian farmhouses in Hampden. The Wiseman Homestead (former Thomas Penneman Stetson House) is an example of a house built for an important and prosperous person in a style and scale more typical of a village or urban setting. Relatively few were built and fewer survive.

The property currently is home to Bradley Wiseman and also houses a cottage industry producing hand-made pottery and hand sculpted art tile for residential and commercial use. Currently, the business consists of an art/design studio, outside kiln and run-in shed. The property is currently zoned Rural District.

ROBERT ELWOOD CROUL



ESTATE SERVICES

1095 North Road
Newburgh, ME 04444

348-5097

October 6, 2009

Hampden Historic Preservation Commission
Attention: Robert Osborne
Hampden Town Office
106 Western Ave.
Hampden, Maine 04444

Re: Bradley Wiseman Homestead/ Application to Amend Existing Historic Landmark
Designation by Adding Proposed Barn

Dear Members of the Commission:

As I will be away from Maine on October 28, 2009, I am writing this letter in support of the application by Bradley Wiseman to amend the existing Historic Landmark designation for the campus of buildings on his property at Shaw Hill Road. I helped to prepare the original application to the Commission that resulted in the unanimous vote of the Commission to recommend and the vote of the Town Council to approve the addition of this campus of buildings to the Town's list of historic landmarks. In so doing, I spoke to the importance of preserving, and allowing the addition of new buildings to, the campus of buildings that are expressive of the historic evolution and existence of farmsteads in Maine that are noted in such architectural histories as Big House, Little House, Back House, Barn (Thomas C. Hubka).

The proposed barn restores the "working barn" component to this property. My review of the building history of this property reveals that a barn was added to the property in the 1930s. The proposed barn, although smaller than the older barn that was destroyed some years ago, will return the main campus of buildings to its full complement: the larger Stetson House that fronts on Shaw Hill Road and the ell building that have already been designated as an historic landmark; these were connected to a barn and old shop per a 1939 aerial photograph provided to me by Stevenson Sheppard of Shyka Sheppard & Garster.

The simple architecture of the barn (please see the enclosed elevation drawing dated October 6, 2009) fits with the historical visual strategy of farmsteads of placing the finest stylistic refinements on the major house and diminishing these on successive buildings leading to the barn. This might be termed a strategy of dissipation and is one of the most popular aesthetic strategies for farmsteads. By manipulating the two basic strategies of frontality and dissipation, the individual farmer had a wide range of visual aesthetic choices about the way the farmstead could look.

The barn also functionally assists in maintaining the cottage industry at this location—namely, the making of ceramics (a craft that was pursued at many Maine farmsteads and has

been pursued by Mr. Wiseman at this location for 40 years). Mr. Wiseman and his employees at this location make ceramic tile and pottery on the Wiseman farmstead similar to the methods used in the mid to late 1800s. This functional component is wholly consistent with my narratives that supported the original application that the Commission and Town Council favorably acted on in 2002.

Based on my prior research (as detailed in the prior 2002 submittals enclosed with the application), I recommend that the Commission recommend to the Council that this proposed barn building be added to the Historic Landmark designation for the campus of building on the Wiseman property. The barn restores the full complement of buildings that were present at various points in the history of the Stetson Farmstead.

Finally, while I will be away on October 28, 2009, I can be available shortly thereafter should you have questions of me, and I do plan to be present for the subsequent Town Council meeting in support of this important application.

Regards,


Robert Croul



CONFIDENTIAL

2025/15/24

Keywords: *depression; mood disorders; risk factors*

Abstract

CONSTITUTIONAL

100

FOR INFORMATION

PROOF THE VISEMAN

7/14/43

44-38861-1000

CONFIDENTIAL

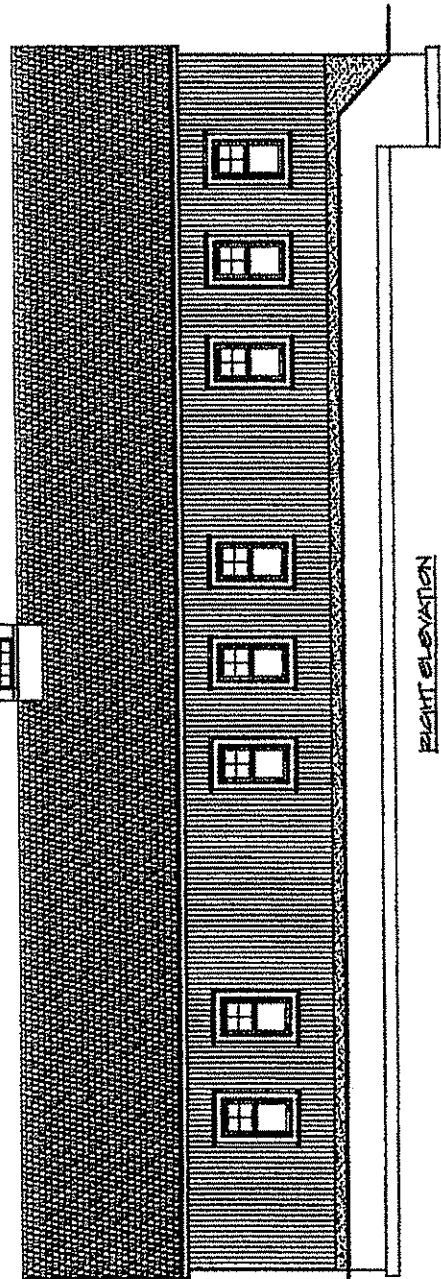
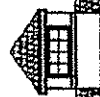
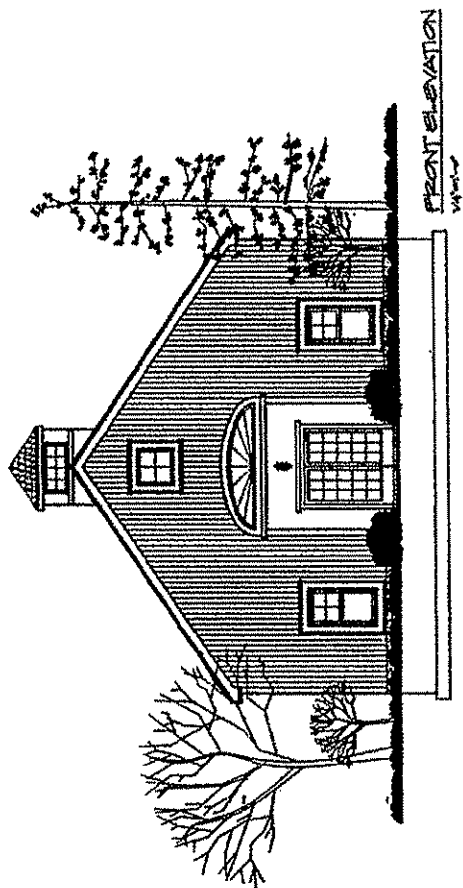
ELEVATIONS

02562


Revisions

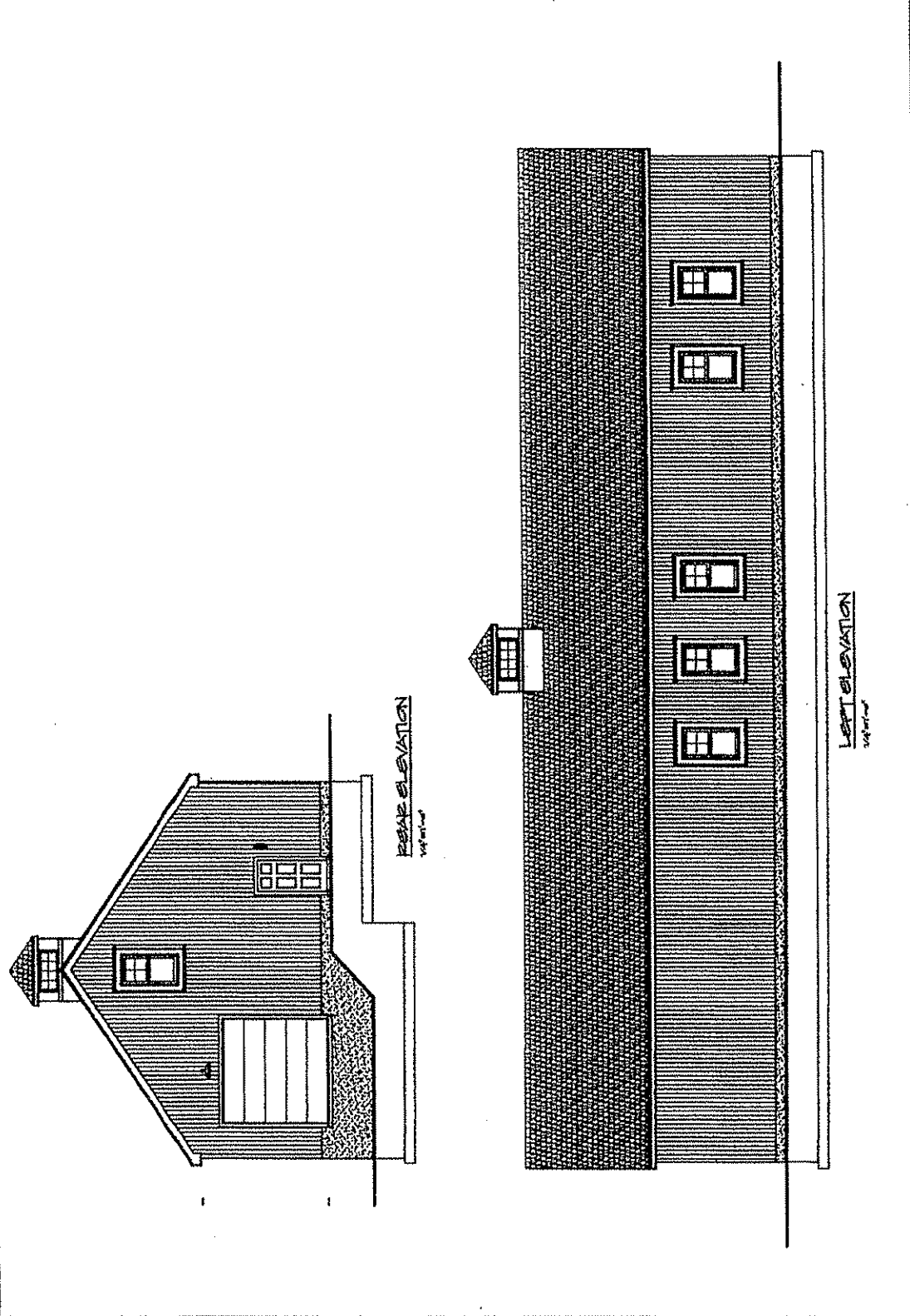
Witness Number

1



RIGHT ELEVATION

| | | | | | | |
|---|--|---|----------------------------------|---------------------------|------------------|-----------------------------|
|  | RESIDENTIAL DESIGN INC. CONCEPTS ARCHITECTURE INTERIORS LANDSCAPE PLANNING 1000 10th St. N. Suite 100 Minneapolis, MN 55401 612-338-1111 | PROJECT THE WOODMAN 1000 10th St. N. Suite 100 Minneapolis, MN 55401 | SHEET TITLE ELEVATIONS | DATE 10-15-2009 | REVISIONS | SHEET NUMBER A-12 |
|---|--|---|----------------------------------|---------------------------|------------------|-----------------------------|



REAR ELEVATION

LEFT ELEVATION



RESIDENTIAL
DESIGN INC.
interior design
architectural
construction
drawings
permits, zoning and
variations

PROJECT
THE VICTORIAN
BATH
1000 GLENVIEW
RD
VANCOUVER, BC

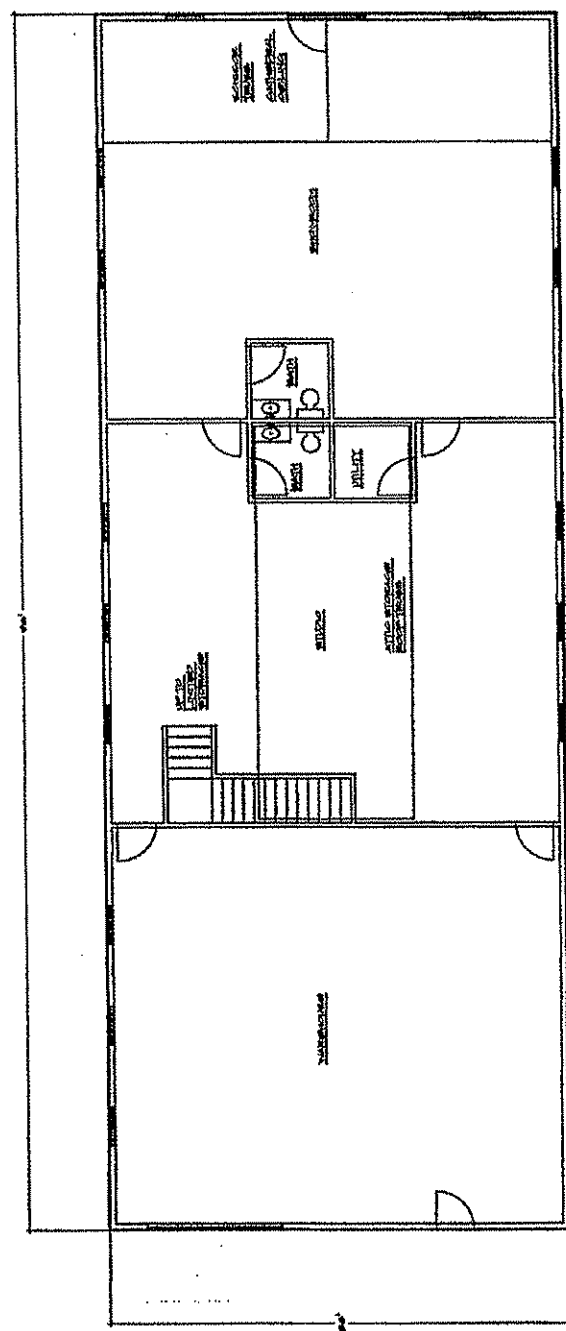
SHEET TITLE
FLOOR PLANS

DATE
2-2-2009

REVISIONS

SHEET
NO. SHEET

A-3



FIRST FLOOR PLAN
1/4" = 1' - 0"

**HISTORIC PRESERVATION COMMISSION
TOWN OF HAMPDEN
MINUTES**

A meeting of the Hampden Historic Preservation Commission (HHPC) was held at 7:00 p.m., Wednesday, March 27, 2002, at the Municipal Building. Commission members in attendance were Mike Pullen, Celia Gray, Nadine Hoyt, and Betsy Bass. The Code Enforcement Officer, Tracey Thibault, was also present.

The HHPC decided to alter the agenda by starting with 3. New Business.

3. New Business:

- A. Request for Historic Landmark Designation - Thomas Penneman Stetson House - 12 Shaw Hill Road - Brad Wiseman, applicant - Public Hearing.

The campus of buildings on the Wiseman Homestead (Thomas Penneman Stetson House) was proposed for Historic Landmark Designation. (For the convenience of the reader pertinent sections of the Ordinance are attached to the minutes). Prior to opening the public hearing Chairman Pullen asked the applicant to make some introductory remarks.

P. Andrew Hamilton, Esq., Eaton Peabody, represented Mr. Wiseman. He explained that the long-term plan is to utilize the property for a Customary Rural Business as described in the Hampden Zoning Ordinance under 4.20.2 which exempts Historic Landmarks from the 2,000 sq. ft. floor area cap for the use. He stated that the existing ceramic pottery business fits better in this rural setting than in a business park.

Chairman Pullen opened the public hearing and asked for comments:

Andy Hamilton discussed the highlights of the bound application book that they presented in support of the application. He indicated that the submission satisfies the qualification requirements of Section 4. With regard to Section 4 he noted that the main house embodies a Federal architectural type which is unusual in a rural area and that it has connections to significant historical personages. He provided evidence that the accessory farm structures (although not of the age of the house) are qualified as well. He cited a book about the evolution of Maine farm architecture from stand alone structures to attached buildings: Big House, Little House, Back House, Barn, by Thomas C. Hubka. He noted that on page 192 home industry is cited as an important historical component.

Brad Wiseman, the applicant, stated that he makes ceramic pottery on the farm and has done so for 33 years. His son works with him. They make ceramic tile and pottery similar to the methods used in the mid to late 1800's. The business is wholesale and mail order in nature and the products are often special designs and custom orders. It is a successful business. He is a teacher and helps student interns to learn the ceramic arts. Speciality people have been brought in but the staff is 85 percent local people.

Robert Croul, local historian, suggested that the HHPC look at the building, not as a stand alone farm, but all the out-buildings together (the house, ell, barns, etc). as a whole. Many "mini-businesses" have been associated with this farm including this pottery business. There is indigenous clay on this property and probably bricks and other utilitarian pottery was made here earlier. He described the group of buildings and their architecture including the ell (which was the first structure to which the house was soon added as were other buildings. He stated that the campus architecture goes back to early history and that is the case here.

Stevenson "Shep" Sheppherd, PLS, Shyka, Sheppherd and Garster, spoke about the history, tax records, and deed research on the parcel. He showed the HHPC a 1939 ariel photograph which depicts the house and ell connected to a barn and old shop. He showed a 1998 photograph depicting additional buildings on the "campus". The farm pond was dug approximately 30 years ago for a trout pond.

The applicant and his agents completed their presentation. The Chairman asked if others were there to speak about the project.

Craig Sites spoke in support of the project. He indicated that he appreciates the farm and the historic role that it has had in the community.

Brad Wiseman showed a photograph from 1800 that showed an active farm with elm trees.

Andy Hamilton reinforced the concept that the whole footprint of the house, ell, and attached out buildings all qualify because the industry that is conducted on farm sites evolves and newer and task specific buildings are required as uses and technology changes. It is not a problem to repeat history. This farm defines the community character and history and is worth preserving. Its evolution is part of the cultural landscape.

Chairman Pullen led a review of Section 4., Qualifications, items 4.1 - 4.6 for which one or more of the standards must apply and the HHPC made the following findings:

- 4.1: Whereas a US Post Office operated out of the main house between 1855 - 1857 (Stetsons) and may have operated longer serving west Hampden and there remains mail bins and cabinetry in the house Section 4.1 applies. (The house was built in 1825 - 1826 when the Stetsons married).
- 4.2: Whereas T.P. Stetson served as postmaster and was the son of Simeon Stetson, a delegate to the Constitutional Conference Section 4.2 applies.
- 4.3: Not applicable.
- 4.4: Whereas the main house embodies a Colonial style with Federal elements, the campus of buildings comprising the Wiseman Homestead exhibit a specimen of community organization and living and the agricultural landscape. Therefore, section 4.4 applies. The ell was built first in the late 1700's or early 1800's and was originally of exposed timber. The house was restored by Wiseman with

historic materials used and considered.

4.5: Not applicable.

4.6: Whereas Deborah Thompson's Hampden Historic Resources Inventory referred to this landmark's inclusion in a National Register district nomination, Section 4.6 applies.

Chairman Pullen led the HHPC in a review of Section 5, Establishment of Historic Landmarks which sets forth the procedure and contents for establishing historic landmarks in 5.1.1. The HHPC made the following findings:

5.1.1: Sufficient information has been provided on the house and ell to support the application. However, the outbuildings have only information provided in discussion with the applicant as approximately 30 - 40 years old, one-story, framed construction, board and batton siding, and metal. The original barn had an 8,400 sq. ft. footprint (but was blown down in 1939). The existing outbuildings are on a slightly larger 8,900 sq. ft. footprint. The applicant should do the following in regard to the information provided for the out buildings:

- A. Improve the application as necessary regarding their construction, scale, and relevance.
- B. Provide a statement of how those structures meet the review criteria of Section 4.
- C. Provide photographs of their interior and exteriors.

Chairman Pullen asked for a motion to recommend the subject property for inclusion as a Historic Landmark and the HHPC voted unanimously in favor of the application with the condition that applicant provide the Town Planner with the items noted in 5.1.1 specific to the out buildings.

The HHPC then moved to item 1 on the agenda.

1. Administrative Business

- A. Minutes were moved and approved.

2. Old Business

- B. Mike asked that Bob Osborne be asked to provide the Chairman with the historic photos on disk.

HHPC voted to move items 2A, 2B, and 2C to the next agenda.

The Wiseman application needs a cover letter and a report to the Town Council and a copy to the MEHPC for review and comment. Mike and Bob will work on a draft.

Hampden Historic Preservation Commission
Minutes of March 27, 2002 Meeting

The meeting ended at 9:00 pm. The next meeting was set for April 24, 2002.

Respectfully Submitted.

Betsy Bass, Secretary

Excerpts from the Hampden Historic Preservation Ordinance

Section 4 lays out Qualifications (characteristics that make a historic landmark important and worthy of designation).

4. **QUALIFICATIONS.** *The historic districts, historic sites or historic landmarks established in accordance with this Ordinance shall have one or more or any combination of the following characteristics, without limitations as to cultural or chronological period:*
 - 4.1. *Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Hampden and the nation, including sites and buildings at which the public may gain insight or see examples either of particular items or of larger patterns in the North American heritage.*
 - 4.2. *Structures or sites importantly associated with historic personages.*
 - 4.3. *Structures or sites importantly associated with historic examples of a great idea or ideal.*
 - 4.4. *Structures or structural remains and sites embodying examples of architectural types of specimens valuable for study of a period, style, or method of building construction, of community organization and living, or of landscaping; or a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.*
 - 4.5. *Structures contributing to the visual continuity of the historic district.*
 - 4.6. *Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.*

Section 5 of Hampden's Historic Preservation Ordinance lays out the Establishment of Historic Districts, Sites or Landmarks:

5. **ESTABLISHMENT OF HISTORIC DISTRICTS, HISTORIC SITES OR HISTORIC LANDMARKS**
 - 5.1. **PRELIMINARY PROCEDURES.** *Historic districts, historic sites or historic landmarks shall be established by amendment to Section 6 of this Ordinance, and shall overlay the districts created by the Hampden Zoning Ordinance. Such amendments may be initiated by the Town Council, the Planning Board, a petition signed by six (6) or more residents of the Town eighteen (18) years of age or older, or the property owner(s). A form directed to the chairperson of the Commission shall be completed and filed with the Town Manager. The Town Manager shall thereafter call a meeting of the Commission for the purpose of formulating the Commission's recommendation concerning the request. Any application for designation of structures, sites and districts for historic preservation shall be in writing and shall include the following as appropriate:*
 - 5.1.1. **Designation of structures and sites for historic preservation.**
 - a. *A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.*
 - b. *A concise statement of how the structure or site meets the review criteria of Section 4 above.*
 - c. *Interior and exterior photographs of the structure, or a site map, illustrating significant details described in Section 5.1.1.a above.*

Hampden Historic Preservation Commission
Minutes of March 27, 2002 Meeting

5.1.2. Designation of districts for historic preservation.

- a. A concise statement of the remaining physical elements which make this area a historic district and a description of building types and architectural styles and periods represented.*
- b. A concise statement of how the district meets the review criteria of Section 4 above.*
- c. A justification of the boundaries of the district.*
- d. A description of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of non-contributing structures.*
- e. A map showing all district structures with the identification of contributing structures.*

5.1.3. Expansion of existing districts for historic preservation.

- a. A concise statement of the physical elements that justify an expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district, and a description of building types and architectural styles and periods represented.*
- b. A concise statement of how the expansion of an existing district meets the review criteria of Section 4 above.*
- c. A justification of the expanded boundaries of the district.*
- d. A description of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of non-contributing structures in the historic district's proposed expansion area.*
- e. A map showing all district structures in the proposed expansion area with an identification of contributing structures.*

5.2. STUDIES, RECOMMENDATIONS. Before making its recommendation concerning the proposed establishment of a historic district, historic site or historic landmark, the Commission may conduct studies and research on the proposal. The Commission will make a report to the Council on every request received. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review and comment.

5.3. PUBLIC HEARING; FINAL REPORT. Before a final report is made to the Council, the Hampden Historic Preservation Commission shall hold a public hearing on the request, after due notice published at least seven (7) days prior to the hearing in a newspaper of general circulation in the Town. Written notice of the proposal shall also be given at least seven (7) days prior to the hearing to the applicants, owners of all property abutting or to be included within the proposed designation, and all other persons found by the Commission to have a special interest in the proposal. Failure of any such person to receive notice of the public hearing shall not necessitate another hearing, nor invalidate any action of the Commission. A copy of the proposal shall be sent, at the same time, to the chairperson of the Planning Board for review and recommendation at the next regular meeting of said Board. Not later than sixty (60) days after said public hearing, the Commission shall submit a final report with its recommendations to the Town Council.

5.4. ACTIONS BY THE TOWN COUNCIL. After receipt of the Commission's recommendations, as provided above, the Town Council at its next regular meeting shall consider and take all appropriate action on said proposed amendment in accordance with the Town Charter, the Council's rules of procedure adopted pursuant thereto, and the laws of the State of Maine. (Amended 7-2-90)

5.5. After designation a notice will be published in the local newspaper-- and property owners will be notified in writing within thirty (30) days. (Amended 7-2-90)

6. **HISTORIC DISTRICTS, HISTORIC SITES AND HISTORIC LANDMARKS
DESIGNATED.**

*The following described lands, buildings or structures, or areas of the Town are designated
historic districts, historic sites or historic landmarks as follows: (as designated)*

6.1. HISTORIC DISTRICTS

The Upper Corners Historic District

6.2. HISTORIC SITES (Reserved)

6.3. HISTORIC LANDMARKS

Harmony Hall 24 Kennebec Road

TOWN COUNCIL MINUTES

MAY 20, 2002

A regularly scheduled meeting of the Hampden Town Council was held on Monday, May 20, 2002 in conjunction with a public hearing at the municipal building council chambers. A budget workshop on the proposed FY 2003 budget was held at 6:00 p.m.

Attendance: Councilors: Mayor Rick Briggs, Robert Gilberti, Thomas Brann, Edward Murphy, Brian Duprey and Donald Muth. Dana Skinner was absent.

Town Manager: Susan Lessard Bruno

Town Counsel: Thomas Russell

Department Heads: Gil Pratt, Finance Director; Tracey Thibault, Code Enforcement Officer; Robert Osborne, Town Planner; Greg Nash, Public Works Director and Kurt Mathies, Recreation Director

Pine Tree Landfill representatives and citizens

BUDGET WORKSHOP

The budget workshop was called to order by Mayor Briggs at 6:00 p.m.

1. 5120 – TOWN COUNCIL

The budget was reviewed line-by-line and no changes were made to the proposed amount of \$13,577.00.

2. 5230 – DEBT SERVICE

The budget was reviewed line-by-line and no changes were made to the proposed amount of \$507,976.00.

3. 5310 – RESERVES

The proposed budget was reviewed line-by-line.

5310.103 - POLICE DEPT. CRUISER/COMMUNICATION RESERVE

Councilor Gilberti noted that during negotiation of the new police contract, he had asked Public Safety Director Rogers if with the increase

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in pay, could the purchase of a new vehicle be deferred this year. Councilor Gilberti said while he does not like to cut anything out the public safety budget without any feedback from the department head, he has reservations about the increase in that budget. It was decided that this line item would be addressed at the meeting on May 28th when the Public Safety Director returns.

5310.105 – PUBLIC WORKS EQUIPMENT REPLACEMENT
RESERVE

This line item had been zeroed out, but Greg had included funds for the purchase of a new truck in the Highway operating account. It was decided that this line item would also be addressed at the meeting on May 28th during overall budget review.

5310.107 – AMBULANCE RESERVE

The Council will discuss this line item with the Public Safety Director at the overall budget review on the 28th.

5310.109 – COMPUTER RESERVE

Manager Bruno will provide the Council with a list of equipment requested from various department heads and what will be necessary for the switch to Trio.

5310.110 – SOLID WASTE/MUNICIPAL GARAGE RESERVE

By unanimous consent, this line item was zeroed out and the proposed amount of \$44,500.00 was transferred to account 5550.

5310.125 – ECONOMIC DEVELOPMENT RESERVE

Councilor Brann questioned whether it was necessary to fund this account this year. Bion said the fund has been used in the past for funding economic development activity prior to the bond issue in regard to the park. Bion said the fund would be used for seed money in other areas of the community such as the waterfront. He said other than that, there is no significant need for it right now, but you never know when things might go wrong. Councilor Brann pointed out that there is \$63,000.00 in the fund currently and moved to zero out this line item this year. Councilor Muth seconded the motion. Vote on the motion: Councilors Murphy, Muth and Brann in favor; Councilors Duprey, Gilberti and Mayor Briggs opposed – motion failed for lack of majority.

With the transfer of funds from 5310.110, the proposed total reserve amount was changed to \$140,000.00.

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It was also decided that the Finance Committee would review the list of current reserve accounts prior to another budget year to determine if all are still needed.

4. **5840 – SOCIAL SERVICES**

Mayor Briggs noted that all accounts have been zeroed out, but for the record, he read each line-by-line.

5840.186 – BANGOR STD CLINIC

Councilor Muth moved to increase this account to \$500.00. Motion died for lack of a second.

There were no changes to the proposed amount of \$0.00.

5. **5195 – ECONOMIC DEVELOPMENT**

The proposed budget was reviewed line-by-line.

5195.124 – HEALTH INSURANCE

There was some question about the Director's eligibility to participate in the town's health insurance plan because of the number of hours he works. This issue will be discussed further at the meeting on May 28.

There were no changes made to the proposed budget of \$71,857.00.

6. **REVENUES**

Revenues were reviewed line-by-line.

3515 – LURA HOIT MEMORIAL POOL FEES

Manager Bruno said the proposed amount should have been \$85,000.00 instead of \$80,000.00.

With the change to Account 3515, the total projected revenue was increased to \$1,998,000.00. With the Homestead Exemption and State Revenue Sharing added in, the projected net revenue is \$2,748,000.00.

The budget workshop meeting was closed at 7:05 p.m. and a five-minute recess was taken before starting the regular council meeting.

REGULAR MEETING

The regular meeting was called to order by Mayor Briggs at 7:10 p.m.

A. CONSENT AGENDA

The treasurer's warrants were circulated for the approval and signatures of the Finance Committee. Mayor Briggs requested the Council's pleasure regarding the balance of the Consent Agenda. Councilor Muth requested that Items A.3.a., A.3.b. and A.3.f. be set aside. Councilor Gilberti moved and Councilor Brann seconded to accept the balance of the Consent Agenda. Vote was unanimous.

- A.3.a. PINE TREE/DEP – MERC SOLID WASTE BYPASS MAY 6 – MAY 15; and
- A.3.b. DR. RITCH WARDWELL/TOWN – PHASE VIII-C DESIGN/PHASE I-V CLOSURE

Councilor Muth expressed concern that by the time people find out about things like the waste bypass, it is already happening. He also noted the concerns of Dr. Wardwell set forth in Item A.3.b. and said he will be calling a meeting of the Solid Waste Committee to review these items. Councilor Muth moved to accept Item A.3.a. and Item A.3.b. Councilor Brann seconded the motion and vote was unanimous.

A.3.f. TOWN ATTORNEY/TOWN – RE: SPROUL CASE

Councilor Muth said he understood the situation had been resolved, but at a substantial legal cost to the town. Councilor Muth moved to accept Item A.3.f. Councilor Murphy seconded the motion and vote was unanimous.

PROCLAMATIONS TO HAMPDEN ACADEMY JAZZ BAND AND ACADEMY SHOW CHOIR

Mayor Briggs presented proclamations to the Hampden Academy Jazz Band and Show Choir for their achievements in State competition. Hampden Academy Music Director, Mr. Michaud, accepted the proclamations on behalf of the band and choir.

B. PUBLIC COMMENTS

Hugh Porter of 64 Main Road South expressed concern regarding the speed of traffic on Route 1A. He said there have been several occurrences of excess speeding in front of his house (from 45 to 50 mph) and he is concerned about the children in the area. The speed limit by his house is 25 mph. He is

worried that once the road is re-done, it will encourage even higher speeds. He has taken it upon himself to contact some of the major trucking companies. He inquired what the plan will be for traffic control coming into and through town once the road is complete and asked about the status of the DOT traffic study. Mayor Briggs told Mr. Porter his comments would be referred to the Public Safety Director. Manager Bruno said she had spoken with the Public Works Director in terms of the traffic study, which is done every couple years to determine the need for additional traffic control devices on that road. She will check on what the plans are for the light at the intersection of the Kennebec Road – whether the count has reached the level where they would consider a fixed light as opposed to a blinking light.

C. POLICY AGENDA

1. PUBLIC HEARINGS

Mayor Briggs explained the procedure for the public hearing.

a. APPLICATION FOR RENEWAL OF VICTUALER'S LICENSE – DANA'S GRILL AT DOCKSIDE, 1 MARINA ROAD

Mayor Briggs opened the public hearing. Proponents – none;
Opponents – none; General Questions/Comments – none. The
hearing was closed.

Councilor Muth moved to approve the application for renewal of
the license. Councilor Gilberti seconded the motion and vote
was unanimous.

b. APPLICATION FOR VICTUALER'S LICENSE – GRAVES' SUPERMARKETS, 77 WESTERN AVENUE

Mayor Briggs opened the hearing. Proponents – none;
Opponents – none; General Questions/Comments – none. The
hearing was closed.

Councilor Muth moved to approve the application. Councilor
Brann seconded the motion. Vote was unanimous.

c. PROPOSED AMENDMENT TO TOWN OF HAMPDEN HISTORIC PRESERVATION ORDINANCE TO ADD WISEMAN HOMESTEAD (CAMPUS OF BUILDINGS) LOCATED AT 12 SHAW HILL ROAD TO THE LIST OF HISTORIC LANDMARKS: SECTION 6.3

Mayor Briggs opened the public hearing.

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Proponents: Attorney Andrew Hamilton of Eaton Peabody, representing Mr. Wiseman, gave an overview of the procedural steps taken by the applicant and noted that the local Historic Preservation Commission, after a public hearing, unanimously recommended that the campus of buildings be added as an historic landmark. Aerial photos of the property were distributed to the Council. Mr. Hamilton explained that for several years, Mr. Wiseman and his partner, Mr. Spaulding have operated a business called Wiseman Spaulding Design d/b/a Antiquity Tile at the property. Mr. Hamilton stated that the business is a customary rural business as defined in the ordinance and wants to be retained as such. Mr. Hamilton then introduced Brad Wiseman.

Mr. Wiseman stated that the property currently is his home and contains a campus of outbuildings which house a cottage industry producing hand-made pottery and hand-sculpted art tile for residential and commercial use. Currently the business consists of an art and design studio, outbuildings, outside kilns and sheds.

Attorney Hamilton then briefly walked through the standards of the Historic Preservation Ordinance and included both the evidence presented before the local Historic Preservation Commission and their findings that satisfy each of the standards under the ordinance. Mr. Hamilton read into the record a letter by Deborah Thompson (copy attached hereto).

Mr. Hamilton then asked Robert Croul, an historian and architectural historian, to address why the applicant proposed and why the Historic Preservation Commission approved the inclusion of all structures as a landmark. Mr. Croul noted that the campus of buildings as a whole is a cultural and community based representation of a way of life that really no longer exists in rural Maine. When the house was first built, farms in this area were not self-supporting as farming entities. As a necessity of survival, they had to create cottage industries, which had a significant input in terms of the local economy and became an important part of the survival of the community. There are very few examples of existing campuses, which represent an era that has passed us by.

Attorney Hamilton said in closing, he would like to submit the application materials that the Council has reviewed as part of the public record and as part of the public hearing. He then stated the three themes that they thought are critically important with the application and represent significant opportunities for the community: First, is business retention; second it represents an

opportunity for homestead preservation; and finally, it is an opportunity to preserve an industry that reaches back into history.

Opponents: None

General Questions/Comments: Town Planner, Bob Osborne said he did speak with both the Assistant Director of the Maine Historic Preservation Commission and the Chair of the Planning Board. Both support the application in concept.

Mayor Briggs then closed the public hearing.

Councilor Murphy questioned why Mr. Wiseman was seeking this designation at this time. Attorney Hamilton explained that Mr. Wiseman was looking for a signal as to whether the business will have the opportunity to expand at that location, or if it will need to go elsewhere. He said Mr. Wiseman has a willingness and desire to expend the resources at his home where there is a lot of family history. It is important to qualify clearly as a customary rural business so that all the permitting issues can be addressed. It would be very difficult for the business to continue in that zone without this amendment.

After further discussion, Councilor Gilberti moved to adopt the amendment to the Historic Preservation Ordinance to include the Wiseman Homestead campus of buildings located at 12 Shaw Hill Road to the list of historic landmarks. Councilor Muth seconded the motion and vote was unanimous.

2. NOMINATIONS – APPOINTMENTS – ELECTIONS

a. APPOINTMENTS COMMITTEE RECOMMENDATIONS – RE-APPOINTMENTS:

1. DANIEL STOVER – CONSERVATION COMMISSION
2. PETER LUDWIG – CONSERVATION COMMISSION
3. JOHN SKEHAN – DYER LIBRARY BOARD OF TRUSTEES
4. BION FOSTER – DYER LIBRARY BOARD OF TRUSTEES
5. RUTH STEARNS – DYER LIBRARY BOARD OF TRUSTEES
6. DONALD DESMARAIS – DYER LIBRARY BOARD OF TRUSTEES

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7. JIM KISER – ECONOMIC DEVELOPMENT COMMITTEE
8. LYNN HUGHES – ECONOMIC DEVELOPMENT COMMITTEE
9. WALTER TRAVIS – LURA HOIT POOL BOARD OF TRUSTEES
10. DAVID LINDEMANN – RECREATION COMMITTEE
11. STEVENSON SHEPPARD – ZONING BOARD OF APPEALS
12. JOHN WILSON – ZONING BOARD OF APPEALS

In Councilor Skinner's absence, Manager Bruno reported that the Appointments Committee recommended the reappointment of all individuals listed under Item A and the new appointment of those listed under Item B. Councilor Brann moved to approve all reappointments. Councilor Muth seconded the motion and vote was unanimous.

- b. APPOINTMENTS COMMITTEE RECOMMENDATIONS – NEW APPOINTMENTS:
 1. WALTER JAKUBAS – CONSERVATION COMMISSION
 2. ROBERT REEVES – RECREATION COMMITTEE

Councilor Brann moved to approve both new appointments. Councilor Muth seconded the motion and vote was unanimous.

- c. WARRANT FOR MSAD NO. 22 SCHOOL BUDGET REFERENDUM

The warrants were circulated for Councilors' signatures.

3. UNFINISHED BUSINESS

- a. BUILDING CODE UPDATE

Building Inspector Ray Pipes noted that the town was currently operating under the 1990 edition of BOCA and a lot of it has become outdated. He said we have been evaluating updating the building code for quite some time and were initially looking at staying with BOCA. However, an international building code has been developed and many of the local communities are looking at adopting it. Ray said he and Tracey are in full agreement that Hampden should adopt the same code as other communities so contractors aren't guessing from community to community. Councilor Muth moved to refer this to the

Ordinance Committee for review. Councilor Brann seconded the motion and vote was unanimous.

b. FOWLER'S LANDING ROAD STATUS

Manager Bruno said she received a request from a resident of Fowler's Landing Road to put this on the agenda for discussion with the Council regarding the letter from the post office saying they won't deliver mail because of the condition of the road.

Tracy Smith of 101 Fowler's Landing was the first to address the Council. She asked if the town would consider plowing and maintaining the road. She said the residents are not looking for it to be paved, but for the town to take care of the road. She said she did some investigating and the residents believe that Mrs. Sawyer owns the road, but Mrs. Sawyer is not paying taxes on the property. Mrs. Smith said from what she has found so far, she thinks the town owns the road and it is not a private road.

Jeanine Grover of 137 Fowler's Landing said they are having problems with speeding and the conditions of the road are as such because of the speeding and other things. She said they would like to see speed signs posted and occasional police patrols in the area. She asked all residents of Fowler's Landing to stand so the Council could see how many were there. Ms. Grover said if the Council were willing to undertake this, it would illustrate to the residents that they are part of the Town of Hampden. Mayor Briggs asked if it was correct that some of the residents have actually dug ditches or trenches in an attempt to slow down the speeding, which has also created a hazard to vehicles. Ms. Grover said that is correct and she was sure that the residents would be willing to fill those in if the town was willing to provide services and continue to maintain that.

Ronald French of 103 Fowler's Landing said he has lived there for 10 years and has only seen a police cruiser out there five times. He said he paystaxes like everyone and feels that they don't get much from the town as taxpayers. He said they are not asking for much, just do their road.

Dave Smith, Tracy Smith's husband then addressed the Council on behalf of Fowler's Landing. He said their concerns are that they have a lot of children in the neighborhood and some people tend to speed on that road. The children who live further down the road have to walk up Fowler's Landing to the Pond Road to get on the bus, which is difficult in the winter. He said they would like to have something done - at least have the holes filled in and police patrol. Mr. Smith said another issue is the number

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of dogs in the area that are not leashed and some of them pull out in front of traffic.

Mayor Briggs asked who has been maintaining the road and keeping it up to whatever standard it is at right now. One of the residents said that her husband has been. They moved there in 1988 and the town stopped maintaining it in 1989. She said the town had maintained it for 23 years before that.

Mayor Briggs asked Attorney Russell if he had any comments. Attorney Russell said the critical issue is the status of the road. The Supreme Court of Maine ruled several years ago that it is unconstitutional and illegal to use public funds on private property, including private roads. He said that in 1990 the issue came up and he gave an opinion letter saying there is nothing of record to indicate that this is a town way. It has never been dedicated by the original owner nor accepted as a town way and it is a private road. That was about the time period when the law court decision came out and the town discontinued any activities on a number of private roads.

Code Enforcement Officer Tracey Thibault said that right now the road does not meet the standards that the town has set up for town roads. She said it does not have appropriate base and is not wide enough amongst others problems, including but not limited to wetlands. The town maps show that it is a private road and always has been.

Mrs. Smith asked who pays the taxes on the road? Tracey said she could not attest to who pays the taxes. Mrs. Smith said that Mrs. Sawyer, who believes that she does own the road and believes it is a private road, would like to give the road to the town and she has stated so in a letter.

Mayor Briggs asked if there was any organized road association. There is none.

Ms. Grover said one of her neighbors had just handed her a signed document by Mrs. Sawyer stating that she signed the road over to the town November 18, 1989. Attorney Russell said he did not believe it was ever done. He noted it said she would like to convey it, it didn't say she did. Manager Bruno said she had the Council minutes from 1987 through 1990 that pertain to this matter. The Council did not take action at that time to accept any road. Councilor Muth recalled that the road did not meet standards then, as it does not now.

After further discussion, it was decided that Attorney Russell would look at what research he did back in 1990 and give the Council a copy of his opinion letter from that time. The Town Engineer will take a cursory look at the road to determine if it would be possible to bring it up to standards.

Councilor Gilberti noted that the residents needed some guidance or direction for the problem at hand right now and recommended that they form an association to at least maintain the road to satisfy the U.S. Postal Service.

Councilor Murphy requested that the issues residents had about speeding and dogs be relayed to Public Safety. Manager Bruno said Public Safety is aware that there are some concerns for speeding. She said the police could go to private property to respond to complaints about dogs, but they cannot patrol a private road for speeding.

This will be discussed further at the next meeting on June 3.

c. MANAGER'S CONTRACT

Manager Bruno's contract expires on June 30th. A draft contract had been prepared with an undetermined term. It was noted that in the past the manager's contract was traditionally for a one-year period. For discussion purposes Councilor Muth moved to renew Manager Bruno's contract for one year. Mayor Briggs reminded the Council that they had the option of renewing for a period other than twelve months. For discussion purposes Councilor Gilberti seconded the motion. He praised Manager Bruno's performance and said the Council should consider extending her contract for more than the twelve-month period without reservations. After discussion, Councilor Brann made a friendly amendment to the motion, upon agreement of Councilors Muth and Gilberti, to renew the contract for a 3-year period. Vote on the amended motion was unanimously in favor.

Councilor Muth moved to authorize Mayor Briggs to sign the contract on behalf of the Town. Councilor Brann seconded the motion and vote was unanimous.

d. HOST COMMUNITY BENEFIT POLICY – OPTION 1 AND OPTION 2

Manager Bruno noted that Councilor Duprey had had some concerns over the original proposed policy (Option 1), which provided for the dedication of all host community benefit funds to an endowment fund. In light of that, another policy was

drafted that would provide for a portion of those funds to be used to fund the town's capital reserve program, which would represent an approximate savings of fifty cents on the mill rate for all taxpayers. This second option provides for six months worth of benefits going into the endowment fund, not to be touched, from which the interest would accrue and could be used for Council deemed projects; capital reserve funding up to \$160,000.00 on an annual basis; and the cost of code enforcement and town technical advisor fees.

After discussion of both options, Councilor Brann moved to adopt Option 1. Councilor Muth seconded the motion. A roll call vote was taken with Councilors Brann and Muth voting in favor and all others opposed – motion did not carry.

Councilor Duprey moved to adopt Option 2. Councilor Gilberti seconded the motion. Again a roll call vote was taken with Councilors Duprey, Gilberti, Murphy and Briggs voting in favor; Councilors Brann and Muth opposed – motion carried.

**e. MARINA RAMP REPLACEMENT – REQUEST TO USE
RESERVE FUNDS AND WAIVE BID PROCEDURE**

Public Works Director Nash requested that the Council waive the bid procedure and that this be funded from the marina reserve account in the amount of \$5,586.00. Councilor Brann moved to approve the purchase of the ramp. Councilor Muth seconded the motion and vote was unanimous. Councilor Brann moved to waive the bid procedure. Councilor Gilberti seconded the motion and vote was unanimous.

Greg requested that the marina parking lot line striping also be funded from the same reserve account. Councilor Brann so moved. Councilor Muth seconded the motion and vote was unanimous.

f. EMERALD ESTATES II – ROAD ACCEPTANCE

Manager Bruno said she has not yet received the agreement between the two parties. Councilor Gilberti moved to postpone this item until the next regularly scheduled meeting. Councilor Brann seconded the motion and vote was unanimous.

**g. PROPOSED ZONING ORDINANCE LANGUAGE
CHANGES – INTRODUCTION FOR PUBLIC HEARING
– SECTIONS: 3.9.2 PERMITTED USES
7.2 DEFINITIONS
5.3.1 PERMITS – 5.3.9 PLUMBING**

PERMIT REQUIRED
5.3.2 CERTIFICATE OF COMPLIANCE
ALL SECTIONS

As Chairman of the Ordinance Committee, Councilor Brann introduced for separate public hearings Section 3.9.2 for one hearing, Section 7.2 for the second public hearing and Sections 5.3.1.-5.3.9. and 5.3.2. for a joint public hearing.

h. PVCOG REPRESENTATIVE – DOT ACCESS RULES

John Knowle of PVCOG discussed recent changes the State has made regarding driveway access management. The changes are in spacing requirements that will affect new driveway entrances on Route 1-A.

i. SOFTWARE CHANGE PROPOSAL – REQUEST TO
WAIVE PROCEDURE

Finance Director Virgil Pratt explained that this request is for the software system that handles tax billing, motor vehicle, cash receipting, sewer billing, accounting and financial reporting package, payroll, voter registration and other miscellaneous items. The current system is outdated and we have been looking at other municipal software packages. There are not a lot of companies who offer this software and one of the advantages of going with Trio software is that it is already in use in the assessing department and the Hampden Water District. He noted that there would be a substantial savings in software support fees and the switch would pay for itself in a couple of years. He requested permission to waive the bid procedure and negotiate with Trio for the installation of the software. Gil said it was also very important to have the new system up and running prior to December 31st, which is when the licensing for the current system expires.

Councilor Muth moved to waive the bid procedure. Councilor Brann seconded the motion and vote was unanimously in favor.

j. LASKEY LANE – ZONING MAP AMENDMENT –
REFERRAL TO ORDINANCE COMMITTEE

Councilor Muth introduced this item for public hearing at the next regular meeting.

4. NEW BUSINESS

a. LIVE-IN STUDENT PROPOSAL – FIRE DEPARTMENT –
DEPUTY CHIEF ANDERSEN

Deputy Chief Andersen discussed the live-in student program and how it works. He said we would need to make a commitment by June 10 in order to participate in the program this year and he believed we could accommodate two students. Councilor Brann moved authorization for two students. Councilor Muth seconded the motion. Attorney Russell noted that it is critical that the students be covered under the town's liability insurance. Mayor Briggs said he would like to see a six-month probationary period with a report back to the Council after that time. Mike suggested trying it for a semester. Mayor Briggs made a friendly amendment to the motion to go with the program for one semester. Councilors Brann and Muth both accepted the amendment and vote was unanimously in favor.

b. CITIZENS FOR QUALITY EDUCATION – FUNDING
PROPOSAL PRESENTATION

This item was moved up on the agenda and discussed after the Fowler's Landing discussion to accommodate the many individuals who were present for this item. An organization called Citizens for Quality Education (CQE) consisting of citizens from the three communities of the school district presented an overview of a proposed athletic field concept. Several members of the committee discussed the following topics:

Elaine Blake of Hampden gave a brief introduction of the proposed project.

Karen Reynolds shared a letter regarding the 3 communities working together from Michael El-Hajj, another of the committee members who was unable to attend the meeting. She also read the committee's mission statement.

Denise Clark of Hampden, current president of the Hampden Soccer Club, discussed the athletic and recreational needs of the district.

Rob Frank of WBRC, a Hampden resident, presented the proposed concept plan for the project.

Herb Sargent of Hampden discussed the estimated 1.3 million dollar budget and endowment fund that will be established for maintenance.

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Gary Arsenault of Winterport, Hampden Academy Booster Chairman said that Boosters fully endorses the project and noted that this is an opportunity for a public-private partnership.

Dewey Martin of Hampden summarized the concept plan and noted the need for space for non-school recreational activity. He said the CQE group would like the Council to vote in favor of the concept and to refer budgetary issues to the Finance Committee.

Considerable discussion followed the presentation. Councilor Gilberti moved and Councilor Duprey seconded to adopt a resolution of support for the concept plan presented by the Citizens for Quality Education. Vote on the motion: Councilor Muth was opposed; all others in favor – motion carried.

Councilor Gilberti moved and Councilor Duprey seconded to refer this to the Finance Committee for consideration of possible funding options and a joint workshop with the CQE group. Vote was unanimously in favor.

D. COMMITTEE REPORTS

There were none.

E. MANAGER'S REPORT

Manager Bruno reported that the Hampden Business Association has selected Marie Baker as its businessperson of the year. The event honoring her is to be held on May 30th at the Lucerne Inn 6 p.m.

Four parcels of the seven authorized by the Council for public sale will be advertised in this week's paper for a sealed bid process with a bid opening date of June 17th. Manager Bruno has set the minimum bid prices on the lots to cover the outstanding tax plus any legal/administrative fees.

All four town representatives attended Sniffer school refresher training at the landfill on 5/15/02. Two additional landfill representatives are also taking the full training on that date.

The police department moved its operations upstairs to the new facility on 5/10/02.

An in-house technology committee has been formed to prepare a comprehensive technology plan and 'blueprint' for all town operations. It will be the first time the Town has looked at an overview of all of its computer and software needs and applications.

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Manager Bruno congratulated Clerk Denise Hodsdon for receiving a second scholarship to the Municipal Clerk's Institute. This scholarship is in the amount of \$325, bringing her scholarship total to \$625 at the present time. The tuition/room/board cost is \$650.

F. COUNCILOR'S COMMENTS

Councilor Gilberti said the principal of Hampden Academy called him looking for a donation for the mock trial team. He asked Manager Bruno to put it on the agenda for the next meeting.

G. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:00 p.m.

A handwritten signature in cursive script that reads "Denise R. Hodsdon".

Denise R. Hodsdon
Town Clerk

C-1-C

AMENDMENT TO HISTORIC PRESERVATION ORDINANCE

The Town of Hampden hereby ordains that the following amendment to the Historic Preservation Ordinance be enacted:

Additions underlined.

Section 6.3 Historic Landmarks

Harmony Hall

24 Kennebec Road

Wiseman Homestead
(Campus of Buildings)

12 Shaw Hill Road

Public Hearing: 5/20/02
Adopted: 5/20/02

C-3-d



TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Zoning Text Amendment Institutional Building Definition
DATE: November 5, 2009

At the November 4, 2009 Council Planning and Development Committee meeting the vote was unanimous to refer this item to the Planning Board for Public Hearing.

At the time Town Council amended the Residential B District height standards to accommodate the Hampden Academy project it was agreed that a definition of institutional building should be added to the Zoning Ordinance. Please find attached a draft of that definition. This language was reviewed by Attorney Russell who recommended the following which will be discussed by the committee.

Definition of "Institutional building"

The only observation I have is that the definition provides that the building must be "operated" by the eligible entity. Was there any discussion about whether the entity also had to "own" the building?

TOWN OF HAMPDEN

Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 7 DEFINITIONS

7.1. Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning.

7.2. Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Institutional building: A building or group of buildings used to provide a public service and operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.



C-3-e

TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendments for Conditional Uses in the Commercial Service District.
DATE: November 5, 2009

At the November 4, 2009 Council Planning and Development Committee meeting the vote was unanimous to send this item with added minimum lot size to the Planning Board for public hearing.

This draft zoning ordinance text amendment would make possible a wide range of additional water dependent uses in the Commercial Service District along the Penobscot River.

This language was reviewed by Attorney Russell who recommended the following which was discussed by the committee. The committee indicated that they did not wish to add a specific height limitation in feet. They did however wish to incorporate the remainder of the suggestions and those have been added to the text of the draft amendment.

Proposed Amendments to Commercial Service District

The proposed amendment to Section 3.3.3 would add "Water-dependent commercial and industrial uses, including boat building, along the Penobscot River" as a conditional use in the Commercial Service District. In my opinion, the term "water-dependent commercial and industrial uses" introduces a new, undefined and ambiguous use category into the Zoning Ordinance. It is my recommendation that the Town utilize a use category that is already defined in the Ordinance – "functionally water-dependent uses," a use category that includes "boat building facilities." If the desire is to restrict this use category to the Penobscot River, the amendment to Section 3.3.3 could be worded as "functionally water-dependent uses along the Penobscot River."

I also note that although Section 3.3.3 limits light industrial operations to 10,000 square feet, there are apparently no size limitations for the proposed new use category.

Section 3.3.4 establishes a maximum building height of 35 feet in the Commercial Service District. The proposed Section 3.3.5.7 provides as follows:

"Notwithstanding the above height regulations buildings for water-dependent commercial and industrial uses, including boat building, along the Penobscot River are not subject to the building standard in Article 3.3.4 when treated as a conditional use."

In essence, the proposed Section 3.3.5.7 exempts water-dependent commercial and industrial uses located in the Commercial Service District from any height requirement. The "when treated as a conditional use" is virtually meaningless because that use is only allowed as a conditional use in the Commercial Service District. The establishment of a building height requirement is a legislative act, and

the Town Council cannot delegate to the Planning Board the authority to establish a height requirement as part of its review process of a conditional use application. If the Town Council wants a maximum height limit for buildings used for water-dependent commercial and industrial uses, it must include one in the Ordinance. In addition, if a height limit is included in the Ordinance, the Planning Board cannot be granted the authority to waive it. The Maine Supreme Judicial Court has held that a waiver provision of such a nature is essentially a variance, and that a variance can only be granted by a Board of Appeals under the statutory variance criteria. The Legislature responded by amending 30-A M.R.S.A. §4353(4-B) to grant municipalities a limited exemption to the Court's ruling in order to promote cluster development, to accommodate lots with insufficient frontage, or to provide for reduced setbacks for lots or buildings made nonconforming by municipal zoning. Those circumstances do not appear to be relevant to the proposed amendments.

In my opinion, the Town Council will have to make a policy decision on this matter. It must decide whether to have no height limit on buildings housing water-dependent commercial and industrial uses, or to establish a maximum building height limit for those uses.

I notice that Section 3.3.5.2 currently provides that a conditional use structure that is not intended to be occupied may be constructed up to 50 feet in height, but I'm not sure what "to be occupied" was intended to mean. At the very least, I recommend that Section 3.3.5.2 be amended to make it clear what the "to be occupied" phrase refers to.

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.3. Commercial Service District

3.3.1. Purpose - This district is intended for the location of heavy commercial uses, wholesale uses, office buildings, automotive type of uses such as sales and service, convenience stores and commercial service type of uses. In general this area is devoted to service or wholesale uses.

3.3.2. Permitted Uses (Subject to Site Plan Review) - Any retail or service business, hotel and motels, business or professional offices, take-out restaurant, small restaurant, sit-down restaurant, automobile service, place of assembly, outdoor recreation and accessory uses or structures. Essential service and buildings for essential service, single family dwellings in existence on the date of this amendment. (*Amended 12-6-04*)

3.3.3. Conditional Uses (Subject to Site Plan Review) – Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, commercial school, drive-thru business, wholesale distribution, truck terminal, light industrial operations (but not including excavation, gravel pit and quarry activities) which do not exceed 10,000 square feet, such as warehousing assembly or fabrication. Functionally water-dependent uses along the Penobscot River. Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment. Stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities. (*Amended 4-7-03, 12-6-04, 12-17-07*)

3.3.4. Lot Dimensions

| | | |
|-------------------------|---|----------------|
| Minimum Lot Area | - | 20,000 sq. ft. |
| Minimum Road Frontage | - | 100 feet |
| Minimum Setbacks: | | |
| Street Yard | - | 40 feet |
| Other Yards | - | 30 feet |
| Maximum Ground Coverage | - | 25 percent |
| Maximum Building Height | - | 35 feet |

3.3.5. Special District Regulations

1. Where a commercial or industrial use abuts any residential use or residential district, the other yard setback shall be double where it abuts the residential property.
2. Notwithstanding the above maximum building height regulations in Article 3.3.4, structures not intended to be occupied may be constructed up to 50 feet in height when treated as a conditional use. building height may be up to 50 feet under the following standards.

Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each yard setback requirement.

EXAMPLE: A 48 foot tall building is proposed. By subtracting the base Commercial Service District maximum building height from the proposed height the following is the result $48' - 35' = 13'$.

Then add that amount to each yard or setback.

| Setback Type | | Base Setbacks: | Total Setback |
|--------------|---|----------------|---------------|
| Street Yard | - | 40 feet | 53 feet |
| Other Yard | - | 30 feet | 43 feet |

3. Notwithstanding other requirements in this section any structure which requires access to rail service shall not be required to setback from the railroad siding. *(Amended 8-17-92, 10-4-93)*
4. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. *(Amended 12-6-04)*
5. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. *(Amended 12-6-04)*
6. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended 12-6-04)*
7. Notwithstanding the maximum building height regulations buildings used for functionally water-dependent uses along the Penobscot River are not subject to the maximum building height standard in Article 3.3.4. or 3.3.5.2. provided the lot area for such a use is at least five acres in size.



C-3-f

TO: Mayor Arnett, Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendments for Issuance of Building Permits on Subdivision Lots and in Conjunction with Plumbing Permits
DATE: November 5, 2009

At the November 4, 2009 Council Planning and Development Committee the vote was unanimous to refer this item to the Planning Board for public hearing.

This draft zoning ordinance text amendment clarifies under what conditions the Code Enforcement Officer can issue a building permit in a newly constructed subdivision. The amendment also clarifies what sort of plumbing permit is required for issuance of a building permit.

This language was reviewed by Attorney Russell he made some adjustments for the building permit language prior to the Ordinance Committee meeting.

Proposed Amendments to Article 5 of Zoning Ordinance

The proposed amendments to Section 5.3.1.8 and Section 5.3.1.9 are the same ones that I reviewed in March of 2008, and my comments have been incorporated therein. Therefore, I find the proposed amendments to be acceptable, except that in Section 5.3.1.9, the word "disposal" should be "Disposal".

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

ARTICLE 5
ENFORCEMENT
(Amended: 6/3/02)

5.1. Administrative Officer - This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Town Manager with confirmation by the Town Council.

5.2. Duties - The Code Enforcement Officer, in enforcing this Ordinance, shall be responsible for establishing reasonable procedures for enforcement, keeping all activities within the jurisdiction of this Ordinance under surveillance, issuing building and/or use permits where applicable, keeping public records of his proceeding and instituting or causing to be instituted any or all actions that might be appropriate for the enforcement of this Ordinance.

5.3. Permits - Application for a building permit and a certificate of compliance shall be made concurrently with the initial application.

5.3.1. Building Permits

5.3.1.1. Building Permit Required - An application shall be submitted to the Code Enforcement Officer for the following activities, and these activities shall not commence in the Town of Hampden without a permit being issued.

1. Construct or alter a structure.
2. Change of exterior dimensions of an existing structure;
3. Construct a sign or change the exterior dimensions of a sign;
4. Reconstruction of a disaster-damaged or disaster-destroyed structure.

5.3.1.2. No building permit shall be issued except in conformity with the provisions of this Ordinance.

5.3.1.3. Within fourteen (14) days of the filing of an application for a building permit, the Code Enforcement Officer shall approve or deny such application or shall refer the applicant to the planning board or the Board of Appeals. The decision shall be in writing and communicated directly to the applicant. In the case of a denial of an application, the decision shall include reasons for such. One (1) copy of the Code Enforcement Officer's decision shall be filed in the municipal office.

(Amended:09-18-06)

5.3.1.4. No building permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent. The Code Enforcement Officer may require that any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on site soils survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure, and other such information as may be necessary to provide for the execution and enforcement of this Ordinance.

5.3.1.5. Applications for permits with their accompanying plans and building permits shall be maintained as a permanent record by the Code Enforcement Officer.

5.3.1.6. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within six (6) months of the date on which the permit is granted, or if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

5.3.1.7. No building permit, demolition permit, earth moving permit, sign permit or certificate of compliance shall be issued without payment of fees in accordance with the Town of Hampden Fees Ordinance. *(Amended: 11-17-03)*

Any structure on which construction, including but not limited to foundation work, has begun before the issuance of a building permit will be assessed double the above described fees.

5.3.1.8. Building permits for structures to be located on subdivision lots shall not be issued by the Code Enforcement Officer until all improvements, including public utilities (sewer, water and electrical), roads and drainage facilities as approved by the Planning Board and required by town ordinances, are completed to the satisfaction of the Town designated engineering consultant and the road, if any, has been accepted by the Town Council as a town way, unless the following improvements have been completed:

- ~~1. Installation of all public utilities, in accordance with the approved subdivision plan, including sewer, water and electrical,~~
- ~~2. Substantial construction of roads, meaning the complete installation of gravel sub-base and drainage facilities including ditches, detention basins, road culverts, driveway culverts, etc., and~~
- ~~3. Installation of all property pins for the subdivision lots by a registered surveyor.~~

5.3.1.9. *Plumbing Wastewater Disposal Permit Required* - No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless either a valid internal plumbing subsurface wastewater disposal permit or sewer hook-on permit has been secured by the applicant or his authorized agent in conformance with the plumbing code of the State of Maine Subsurface Wastewater Disposal Rules or the Town of Hampden Sewer Ordinance.



C-3-g

TO: Mayor Arnett and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Outdoor Woodfired Boiler Ordinance Amendments.
DATE: November 5, 2009

At the November 4, 2009 Council Planning and Development Committee meeting the vote was unanimous to return this item to the Council for public hearing.

As you know the committee reviewed this language and recommended that it be sent forward to the Council. Subsequently this language was reviewed by Town Attorney, Tom Russell who recommended the following changes which are incorporated into this draft of the ordinance.

Proposed Amendments to Outdoor Wood-Fired Boiler Annual Licensing Ordinance

As you know, the DEP adopted Chapter 150, entitled "Control of Emissions from Outdoor Wood Boilers", effective November 9, 2007. Chapter 150 has been amended twice since its adoption, the most recent amendments being effective April 7, 2009. Although Section 4(D) provides that Chapter 150 does not preempt any local ordinance, it is my understanding that the proposed amendments are intended to reconcile differences between Chapter 150 and the Town's Ordinance.

In my review of the proposed amendments to the Town's ordinance, I noticed that the amendments do not include amending the ordinance definition of "outdoor wood-fired boiler" to coincide with Chapter 150's definition of the term "outdoor wood boiler." Was there a reason for keeping the Town's existing definitions?

The terms "EPA Phase-One Qualified OWB" and "EPA Phase-Two Qualified OWB" are not contained in Chapter 150, and are apparently based on the particulate matter emission standards contained in Section 3(A)(1)-(2) of Chapter 150. I recommend that the definition of those two terms be modified to read as follows:

"EPA Phase-One Qualified OWB" means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.60 lbs/MMBtu heat input."

"EPA Phase-Two Qualified OWB" means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.32 lbs/MMBtu heat input."

Chapter 150 did not adopt a separate emission standard for outdoor pellet boilers, but it did adopt separate setback and stack height requirements for outdoor pellet boilers that have been certified to meet a particulate emission limit of 0.06 lbs/MMBtu heat output. The Town's proposed amendments include a definition of "Phase-Three Qualified OWB" that essentially creates a class of outdoor wood boilers (not just outdoor pellet boilers) that have less stringent setback and stack height requirements. Did the Ordinance Committee intend to apply those less stringent standards to all outdoor wood boilers that are certified to meet the 0.06 lbs/MMBtu limit? In any event, I recommend that the "Phase-Three" definition be modified to read as follows:

"Phase-Three Qualified OWB" means an OWB (or outdoor pellet boiler if the Town chooses to go with the DEP approach) that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater

Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.06 lbs/MMBtu heat input."

I also recommend that the term "Non-EPA Qualified OWB" be modified to read as follows:

"Non-EPA Qualified OWB" means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limits greater than 0.60 lbs/MMBtu heat input or with no certification."

The Town should also include Chapter 150's definition of the term "outdoor pellet boiler" in Section 2.1 of its Ordinance.

Since the amendments to Section 4.4 will create "Neighboring residence setbacks", I recommend the inclusion of the following definition in Section 2.1:

"Neighboring Residence Setback" means the minimum linear distance that an outdoor wood-fired boiler (or outdoor wood boiler if the Town chooses to replace its definition of "outdoor wood-fired boiler" with the Chapter 150's definition of "outdoor wood boiler") must be sited away from the nearest dwelling that is not on the same property as the boiler."

**TOWN OF HAMPDEN
Draft**

The Town of Hampden Hereby Ordains
Proposed Amendments to the Outdoor Wood-Fired Boiler Annual Licensing Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

**TOWN OF HAMPDEN, MAINE
OUTDOOR WOOD-~~FIRE~~D BOILER ANNUAL LICENSING ORDINANCE**

ADOPTED: Hampden Town Council, March 19, 2007
Effective Date: April 18, 2007

CERTIFIED BY: Denise Hodsdon
Name

Town Clerk
Title Affix Seal

**OUTDOOR WOOD-~~FIRE~~D BOILER ANNUAL LICENSING ORDINANCE
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TOWN OF HAMPDEN, MAINE OUTDOOR WOOD-FIRED BOILER ANNUAL LICENSING ORDINANCE

ARTICLE 1 TITLE AND PURPOSE

1.1. Title. This chapter shall be known as the "Town of Hampden, Maine Outdoor Wood-Fired Boiler Annual Licensing Ordinance."

1.2. Home Rule Authority. It is adopted pursuant to Municipal Home Rule Law.

1.3. Purpose. Although outdoor wood-fired boilers may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Ordinance is intended to ensure that outdoor wood-fired boilers are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Town. Furthermore, this ordinance is intended to comply with the minimum standards contained in DEP Chapter 150, Control of Emissions From Outdoor Wood Boilers.

ARTICLE 2 DEFINITIONS

2.1. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

"Commercial outdoor wood boiler" means any outdoor wood boiler used to service a commercial establishment.

"Outdoor pellet boiler" means an outdoor wood boiler designed and warranted by the manufacturer specifically to burn pellet fuel with metered fuel and air feed and controlled combustion engineering, which is operated according to the manufacturer's specifications and burns only pellet fuel.

"Outdoor wood boiler" (also known as outdoor wood-fired hydronic heater, water stove or outdoor wood furnace) means a fuel burning device designed to (1) burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space and/or water via the distribution typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

~~"Outdoor wood-fired boiler (OWB)" (same as outdoor wood fired furnace) means an accessory structure or appliance capable of being installed out of doors and designed to transfer or provide heat, via liquid or other means, through the burning of wood or any other non-gaseous or non-liquid fuels for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood fired boiler or furnace" but does not include a fire pit, wood fired barbecue, or chiminea.~~

"Outdoor wood boiler Emission Rating" means the EPA's rating system for OWBs which rate the emissions in pounds per million BTU' or lbs/MMBtu.

"EPA Phase-One Qualified OWB" means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.60 lbs/MMBtu heat input.

“EPA Phase-Two Qualified OWB” means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.32 lbs/MMBtu heat input.

“Phase-Three Qualified OWB” means an OWB (or outdoor pellet boiler if the Town chooses to go with the DEP approach) that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limit of 0.06 lbs/MMBtu heat input.

“Non-EPA Qualified OWB” means an OWB that has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program, or such alternative certification program as may be approved by the Maine Department of Environmental Protection, that the OWB meets a particulate matter emission limits greater than 0.60 lbs/MMBtu heat input or with no certification.

“DEP Qualified OWB” means that the manufacturer of the OWB has voluntarily submitted their product for emission rating to a government other than the US government or other testing bodies as deemed acceptable by the DEP and based on the OWB’s emission report the Maine Department of Environmental Protection classifies the OWB to the corresponding EPA standard. For purposes of this ordinance applicants must provide written documentation from the DEP to show evidence that the OWB is in fact DEP qualified.

“Neighboring Residence Setback” means the minimum linear distance that an outdoor wood boiler must be sited away from the nearest dwelling that is not on the same property as the boiler.

“Nuisance” means any odor, emission, or event that prevents the reasonable use and enjoyment of one’s property. For purposes of this ordinance, an OWB shall constitute a nuisance following three or more verified complaints within any 30 day period.

“Firewood” means trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches in diameter.

“Setback” means the minimum linear distance that an outdoor wood boiler must be sited away from a prescribed physical location on the ground.

“Untreated lumber” means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

ARTICLE 3 ANNUAL LICENSE REQUIRED

3.1. Annual license required. In addition to any permit required under the Town’s Fire Prevention Code, no person shall cause, allow or maintain the use of an outdoor wood-fired boiler within the Town of Hampden, Maine without first having obtained an annual license from the Hampden Town Council. Application for annual license shall be made to the Town Clerk on the forms provided. (*Note: The state regulation does not require annual licensing*).

3.2. Standards for initial license. The Town Council shall issue an initial license for an outdoor wood-fired boiler if it determines that:

3.2.1 A permit has been issued for the proposed outdoor wood-fired boiler under the Fire Prevention Code; and

3.2.2 The proposed outdoor wood-fired boiler complies with the requirements of Sections 4.2, 4.3, 4.4 and 4.6 of this Ordinance.

3.2.3 The Town of Hampden shall not issue an initial license for a non-EPA qualified OWB or non-Maine Department of Environmental Protection alternative certified OWB after the effective date of this amendment.

3.3. Standards for renewal license. The Town Council shall issue a renewal license for an outdoor wood-fired boiler if it determines that:

3.3.1. The code official responsible for enforcement of the Fire Prevention Code provides written documentation to the effect that the outdoor wood-fired boiler is in compliance with the applicable provisions of that Code;

3.3.2 The outdoor wood-fired boiler is in compliance with the requirements of Sections 4.2, 4.3, 4.4, and 4.6 of this Ordinance;

3.3.3. The outdoor wood-fired boiler was operated in compliance with the requirements of Sections 4.1 and 4.5 of this Ordinance during the preceding year; and

3.3.4 None of the conditions set forth in Sections 5.1.1, 5.1.2, 5.1.3, 5.1.4, or 5.1.5 of this Ordinance occurred during the preceding year.

3.4. Existing outdoor wood-fired boilers. Any outdoor wood-fired boiler that was installed, connected, and operating as of the effective date of this Ordinance shall be permitted to remain, provided that the owner applies for and receives an annual license from the Town Council within 120 days of such effective date. Provided, however, that upon the effective date of this Ordinance all the provisions of this Ordinance, except Sections 4.2 *Permitted Zones*, 4.3 *Minimum Lot Size*, and 4.4 *Setbacks* in the event and to the extent that the existing outdoor wood-fired boiler in question does not comply with the same, shall immediately apply to any existing outdoor wood-fired boiler. Any existing outdoor wood-fired boiler that is not in compliance with Sections 4.3 and 4.4 shall not be made more nonconforming. If the owner of an existing outdoor wood-fired boiler does not receive a permit within one year of the effective date of this Ordinance, the outdoor wood-fired boiler shall be removed.

ARTICLE 4 SPECIFIC REQUIREMENTS

4.1. Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor wood-fired boiler. Burning of any and all other materials in an outdoor wood-fired boiler is prohibited.

4.2. Permitted zones. Outdoor wood-fired boilers shall be permitted in all zoning districts except the Resource Protection District as shown on the Town's Zoning Map.

4.3. Minimum lot size Outdoor wood-fired boilers shall be permitted only on lots ~~of three acres or more~~ in accordance with the following minimum lot size:

| | <u>Minimum Lot Size</u> |
|---|-------------------------|
| <u>Existing Non-EPA Qualified Outdoor Wood Boilers Only</u> | <u>3 Acres</u> |
| <u>EPA Phase-One Qualified Outdoor Wood Boilers</u> | <u>1 Acre</u> |
| <u>EPA Phase-Two Qualified Outdoor Wood Boilers</u> | <u>0.5 Acre</u> |
| <u>Phase-Three Qualified Outdoor Wood Boilers (pellet)</u> | <u>0.25 Acre</u> |

The applicant for a permit under this Ordinance shall demonstrate that the Commercial outdoor wood boiler or Outdoor Wood Boiler with a thermal rating greater than 350,000 Btu/hr shall be installed and operated in accordance with Chapter 150 of the Rules of the Maine Department of Environmental Protection, "Control of Emissions from Outdoor Wood Boilers," as the same may be amended from time to time.

(Note: The state regulation does not set minimum lot sizes but it logically creates them with the required setbacks).

4.4. Setbacks. Outdoor wood-fired boilers shall be set back ~~not less than 150 feet from the nearest lot line~~ from property lines according to the following standards:

| <u>Property Line Setback</u> | <u>Minimum</u> |
|---|-----------------|
| <u>Existing Non-EPA Qualified Outdoor Wood Boilers Only</u> | <u>150 Feet</u> |
| <u>EPA Phase-One Qualified Outdoor Wood Boilers</u> | <u>100 Feet</u> |
| <u>EPA Phase-Two Qualified Outdoor Wood Boilers</u> | <u>50 Feet</u> |
| <u>Phase-Three Qualified Outdoor Wood Boilers (pellet)</u> | <u>20 Feet</u> |

(Note: The state regulation requires these setbacks).

Additionally, outdoor wood-fired boilers shall be set back ~~not less than 200 feet from neighboring residences~~ according to the following standards:

| <u>Neighboring Residence Setback</u> | <u>Minimum</u> |
|---|-----------------|
| <u>Existing Non-EPA Qualified Outdoor Wood Boilers Only</u> | <u>200 Feet</u> |
| <u>EPA Phase-One Qualified Outdoor Wood Boilers</u> | <u>120 Feet</u> |
| <u>EPA Phase-Two Qualified Outdoor Wood Boilers</u> | <u>70 Feet</u> |
| <u>Phase-Three Qualified Outdoor Wood Boilers (pellet)</u> | <u>40 Feet</u> |

(Note: The state regulation requires these setbacks).

Stack Height Requirements for New Outdoor Wood Boilers and Outdoor Pellet Boilers

Existing Non-EPA Qualified Outdoor Wood Boilers are not subject to this requirement.

EPA Phase-One Qualified Outdoor Wood Boilers. No person shall install or allow the installation of any EPA Phase-One Qualified Outdoor Wood Boiler unless the outdoor wood boiler or outdoor pellet boiler: (1) has an attached stack with a minimum stack height of 10 feet above ground level; or (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler.

EPA Phase-One Qualified Outdoor Wood Boilers. No person shall operate any EPA Phase-One Qualified Outdoor Wood Boiler if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler, unless the outdoor wood boiler or outdoor pellet boiler has an

attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler.

EPA Phase-Two Qualified Outdoor Wood Boilers. No person shall install or allow the installation of any EPA Phase-Two Qualified Outdoor Wood Boiler unless the outdoor wood boiler or pellet boiler: (1) has an attached stack with a minimum stack height of 10 feet above ground level; or (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler.

EPA Phase-Two Qualified Outdoor Wood Boilers. No person shall operate any EPA Phase-Two Qualified Outdoor Wood Boiler, if a neighboring residence is located less than 300 feet from the outdoor wood boiler or outdoor pellet boiler, unless the outdoor wood boiler or outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler.

Phase-Three Qualified Outdoor Wood Boilers. No person shall install or allow the installation of any Phase-Three Qualified Outdoor Wood Boilers, unless the outdoor pellet boiler: (1) has an attached stack with a minimum stack height of 10 feet above ground level; or (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler, if a neighboring residence is located less than 100 feet from the outdoor pellet boiler.

Phase-Three Qualified Outdoor Wood Boilers. No person shall operate any Phase-Three Qualified Outdoor Wood Boilers, if a neighboring residence is located less than 100 feet from the outdoor pellet boiler, unless the outdoor pellet boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler.

(Note: The state regulation requires these stack heights).

The applicant for a permit under this Ordinance shall demonstrate that the Commercial outdoor wood boiler or Outdoor Wood Boiler with a thermal rating greater than 350,000 Btu/hr shall be installed and operated in accordance with Chapter 150 of the Rules of the Maine Department of Environmental Protection, "Control of Emissions from Outdoor Wood Boilers," as the same may be amended from time to time.

4.5. Months of operation. Outdoor wood-fired boilers shall be prohibited from operation between the dates of May 1 and October 1.

(Note: The state regulation does not restrict months of operation).

4.6. Spark arrestors and rain caps. All outdoor wood-fired boilers shall be equipped with properly functioning spark arrestors. Use of a rain cap on the stack of an OWB is prohibited unless required by the manufacturer specifications.

(Note: The state regulation does not mandate spark arrestors but does prohibit rain caps).

4.7. Continued compliance required. If an outdoor wood-fired boiler is installed in compliance with Sections 4.3 and 4.4, the outdoor wood-fired boiler may not be used if the lot on which it is situated is altered so that the minimum lot size or setback(s) are no longer met.

ARTICLE 5 REVOCATION OF LICENSE

5.1. Revocation of license. A license issued pursuant to this Ordinance may, after notice and hearing, be revoked as the Town Council may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Hampden if any of the following conditions occur:

5.1.1. Emissions from the outdoor wood-fired boiler exhibit opacity that obscures or partially obscures clear view of structures and trees that lay behind the smoke and haze on either the property where the outdoor wood-fired boiler is located or on adjoining properties. This may be evidenced by photographs that are time dated;

5.1.2. Malodorous air contaminants from the outdoor wood-fired boiler are detectable outside the property boundaries of the land on which the outdoor wood-fired boiler is located. This may be evidenced by Town Public Safety Officials;

5.1.3. The emissions from the outdoor wood-fired boiler interfere with the reasonable enjoyment of life or property;

5.1.4. The emissions from the outdoor wood-fired boiler cause damage to vegetation or property; or

5.1.5. The emissions from the outdoor wood-fired boiler are or may be harmful to human or animal health.

5.2. Prohibited use after revocation. If a license is revoked, the outdoor wood-fired boiler in question shall not used or operated.

5.3. Reinstatement of license. A revoked license may be reinstated once the condition which resulted in revocation is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in revocation of a license shall be considered a violation of this Ordinance subject to the penalties provided in *Section 7.1 Penalties for offenses* hereof.

ARTICLE 6 WAIVERS

6.1. Waivers. Where the Town Council finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of this Ordinance or of jeopardizing the health, safety or welfare of the public. In varying any regulations, the Town Council may impose such conditions and requirements as it deems reasonable and prudent. The Town Council may, at its discretion, hold a public hearing as part of its review. If the Town Council grants the waiver, a license shall be issued for the outdoor wood-fired boiler. If the Town Council denies the waiver, the outdoor wood-fired boiler must either be brought into compliance with this Ordinance or removed. If the Town Council does not take any action with respect to the waiver within 60 days from its receipt of an application for waiver, the waiver shall be deemed denied.

ARTICLE 7 PENALTIES

7.1. Penalties for offenses. Failure to comply with any of the provisions of this Ordinance shall be a violation and, upon conviction thereof, shall be subject to a civil penalty in accordance with Title 30-A

M.R.S. §4452. In addition, any license issued pursuant to this Ordinance shall be revoked upon conviction of a second offense and the subject outdoor wood-fired boiler shall not be eligible for another license. Each day that a violation occurs shall constitute a separate offense. All penalties shall inure to the benefit of the Town of Hampden. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this Ordinance. Violators shall also be responsible for any and all court fees, expert witness fees, costs, and reasonable attorney fees if the Town is the prevailing party in an enforcement action.

ARTICLE 8 EFFECT ON OTHER REGULATIONS

8.1. Effect on other regulations. Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, Maine Department of Environmental Protection or any other federal, state, regional or local agency. Outdoor wood-fired boilers, and any electrical, plumbing or other apparatus or device used in connection with an outdoor wood-fired boilers, shall be installed, operated and maintained in conformity with the manufacturer's specifications and instructions and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this Ordinance and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

ARTICLE 9 SEVERABILITY

9.1. Severability. Should any provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

ARTICLE 10 EFFECTIVE DATE

10.1. Effective Date. The effective date of this Ordinance shall be 30 days from the date of adoption by the Town Council.